

As Introduced

**135th General Assembly
Regular Session
2023-2024**

H. B. No. 12

Representatives Jones, Dobos



A BILL

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6301.21, 6301.22, and 6301.23 be amended and new section 3301.13 298
and sections 3301.0731, 3301.111, 3301.132, and 3321.042 of the 299
Revised Code be enacted to read as follows: 300

Sec. 5.224. The first day of March is designated as "Ohio 301
statehood day," in recognition of the date in 1803 when Ohio 302
became a state. In addition to those duties imposed on the Ohio 303
history connection under section 149.30 of the Revised Code, and 304
those duties imposed on the ~~superintendent of public instruction~~ 305
director of education and workforce under section 3301.12 of the 306

Revised Code, the Ohio history connection shall, throughout the 307
state, and the ~~superintendent~~ director shall, in all school 308
districts, encourage and promote the celebration of "Ohio 309
statehood day." 310

Sec. 5.281. Beginning in 2018, and every year thereafter, 311
the full week beginning on the first Monday in May is designated 312
as in-demand jobs week. 313

Every year during in-demand jobs week, the governor's 314
office of workforce transformation, in collaboration with the 315
departments of job and family services, education and workforce, 316
and higher education, shall organize activities to raise 317
awareness among educators, students, and parents of jobs that 318
are in demand by employers operating in this state and the 319
requirements and benefits of those jobs. The activities shall 320
include job fairs and company tours to connect middle and high 321
school students with employers. 322

Sec. 9.231. (A) (1) Subject to divisions (A) (2) and (3) of 323
this section, a governmental entity shall not disburse money 324
totaling twenty-five thousand dollars or more to any person for 325
the provision of services for the primary benefit of individuals 326
or the public and not for the primary benefit of a governmental 327
entity or the employees of a governmental entity, unless the 328
contracting authority of the governmental entity first enters 329
into a written contract with the person that is signed by the 330
person or by an officer or agent of the person authorized to 331
legally bind the person and that embodies all of the 332
requirements and conditions set forth in sections 9.23 to 9.236 333
of the Revised Code. If the disbursement of money occurs over 334
the course of a governmental entity's fiscal year, rather than 335
in a lump sum, the contracting authority of the governmental 336

entity shall enter into the written contract with the person at 337
the point during the governmental entity's fiscal year that at 338
least seventy-five thousand dollars has been disbursed by the 339
governmental entity to the person. Thereafter, the contracting 340
authority of the governmental entity shall enter into the 341
written contract with the person at the beginning of the 342
governmental entity's fiscal year, if, during the immediately 343
preceding fiscal year, the governmental entity disbursed to that 344
person an aggregate amount totaling at least seventy-five 345
thousand dollars. 346

(2) If the money referred to in division (A)(1) of this 347
section is disbursed by or through more than one state agency to 348
the person for the provision of services to the same population, 349
the contracting authorities of those agencies shall determine 350
which one of them will enter into the written contract with the 351
person. 352

(3) The requirements and conditions set forth in divisions 353
(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and 354
(2) and (B) of section 9.234, divisions (A)(2) and (B) of 355
section 9.235, and sections 9.233 and 9.236 of the Revised Code 356
do not apply with respect to the following: 357

(a) Contracts to which all of the following apply: 358

(i) The amount received for the services is a set fee for 359
each time the services are provided, is determined in accordance 360
with a fixed rate per unit of time or per service, or is a 361
capitated rate, and the fee or rate is established by 362
competitive bidding or by a market rate survey of similar 363
services provided in a defined market area. The market rate 364
survey may be one conducted by or on behalf of the governmental 365
entity or an independent survey accepted by the governmental 366

entity as statistically valid and reliable.	367
(ii) The services are provided in accordance with	368
standards established by state or federal law, or by rules or	369
regulations adopted thereunder, for their delivery, which	370
standards are enforced by the federal government, a governmental	371
entity, or an accrediting organization recognized by the federal	372
government or a governmental entity.	373
(iii) Payment for the services is made after the services	374
are delivered and upon submission to the governmental entity of	375
an invoice or other claim for payment as required by any	376
applicable local, state, or federal law or, if no such law	377
applies, by the terms of the contract.	378
(b) Contracts under which the services are reimbursed	379
through or in a manner consistent with a federal program that	380
meets all of the following requirements:	381
(i) The program calculates the reimbursement rate on the	382
basis of the previous year's experience or in accordance with an	383
alternative method set forth in rules adopted by the Ohio	384
department of job and family services.	385
(ii) The reimbursement rate is derived from a breakdown of	386
direct and indirect costs.	387
(iii) The program's guidelines describe types of	388
expenditures that are allowable and not allowable under the	389
program and delineate which costs are acceptable as direct costs	390
for purposes of calculating the reimbursement rate.	391
(iv) The program includes a uniform cost reporting system	392
with specific audit requirements.	393
(c) Contracts under which the services are reimbursed	394

through or in a manner consistent with a federal program that 395
calculates the reimbursement rate on a fee for service basis in 396
compliance with United States office of management and budget 397
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(d) Contracts for services that are paid pursuant to the 399
earmarking of an appropriation made by the general assembly for 400
that purpose. 401

(B) Division (A) of this section does not apply if the 402
money is disbursed to a person pursuant to a contract with the 403
United States or a governmental entity under any of the 404
following circumstances: 405

(1) The person receives the money directly or indirectly 406
from the United States, and no governmental entity exercises any 407
oversight or control over the use of the money. 408

(2) The person receives the money solely in return for the 409
performance of one or more of the following types of services: 410

(a) Medical, therapeutic, or other health-related services 411
provided by a person if the amount received is a set fee for 412
each time the person provides the services, is determined in 413
accordance with a fixed rate per unit of time, or is a capitated 414
rate, and the fee or rate is reasonable and customary in the 415
person's trade or profession; 416

(b) Medicaid-funded services, including administrative and 417
management services, provided pursuant to a contract or medicaid 418
provider agreement that meets the requirements of the medicaid 419
program. 420

(c) Services, other than administrative or management 421
services or any of the services described in division (B) (2) (a) 422
or (b) of this section, that are commonly purchased by the 423

public at an hourly rate or at a set fee for each time the 424
services are provided, unless the services are performed for the 425
benefit of children, persons who are eligible for the services 426
by reason of advanced age, medical condition, or financial need, 427
or persons who are confined in a detention facility as defined 428
in section 2921.01 of the Revised Code, and the services are 429
intended to help promote the health, safety, or welfare of those 430
children or persons; 431

(d) Educational services provided by a school to children 432
eligible to attend that school. For purposes of division (B) (2) 433
(d) of this section, "school" means any school operated by a 434
school district board of education, any community school 435
established under Chapter 3314. of the Revised Code, or any 436
nonpublic school for which the ~~state board~~ director of education 437
and workforce prescribes minimum education standards under 438
section 3301.07 of the Revised Code. 439

(e) Services provided by a foster home as defined in 440
section 5103.02 of the Revised Code; 441

(f) "Routine business services other than administrative 442
or management services," as that term is defined by the attorney 443
general by rule adopted in accordance with Chapter 119. of the 444
Revised Code; 445

(g) Services to protect the environment or promote 446
environmental education that are provided by a nonprofit entity 447
or services to protect the environment that are funded with 448
federal grants or revolving loan funds and administered in 449
accordance with federal law. 450

(3) The person receives the money solely in return for the 451
performance of services intended to help preserve public health 452

or safety under circumstances requiring immediate action as a 453
result of a natural or man-made emergency. 454

(C) With respect to an unincorporated nonprofit 455
association, corporation, or organization established for the 456
purpose of providing educational, technical, consulting, 457
training, financial, or other services to its members in 458
exchange for membership dues and other fees, any of the services 459
provided to a member that is a governmental entity shall, for 460
purposes of this section, be considered services "for the 461
primary benefit of a governmental entity or the employees of a 462
governmental entity." 463

Sec. 9.55. (A) As used in this section, "state agency" 464
means the house of representatives, the senate, the governor, 465
the secretary of state, the auditor of state, the treasurer of 466
state, the attorney general, the department of job and family 467
services, the department of commerce, the department of 468
developmental disabilities, the department of education and 469
workforce, the department of health, the department of aging, 470
the governor's office of advocacy for disabled persons, and the 471
civil rights commission. 472

(B) Each state agency shall install in its offices at 473
least one teletypewriter designed to receive printed messages 474
from and transmit printed messages to deaf or hearing-impaired 475
persons. 476

Sec. 102.02. (A) (1) Except as otherwise provided in 477
division (H) of this section, all of the following shall file 478
with the appropriate ethics commission the disclosure statement 479
described in this division on a form prescribed by the 480
appropriate commission: every person who is elected to or is a 481
candidate for a state, county, or city office and every person 482

who is appointed to fill a vacancy for an unexpired term in such 483
an elective office; all members of the state board of education; 484
the director, assistant directors, deputy directors, division 485
chiefs, or persons of equivalent rank of any administrative 486
department of the state; the president or other chief 487
administrative officer of every state institution of higher 488
education as defined in section 3345.011 of the Revised Code; 489
the executive director and the members of the capitol square 490
review and advisory board appointed or employed pursuant to 491
section 105.41 of the Revised Code; all members of the Ohio 492
casino control commission, the executive director of the 493
commission, all professional employees of the commission, and 494
all technical employees of the commission who perform an 495
internal audit function; the individuals set forth in division 496
(B) (2) of section 187.03 of the Revised Code; the chief 497
executive officer and the members of the board of each state 498
retirement system; each employee of a state retirement board who 499
is a state retirement system investment officer licensed 500
pursuant to section 1707.163 of the Revised Code; the members of 501
the Ohio retirement study council appointed pursuant to division 502
(C) of section 171.01 of the Revised Code; employees of the Ohio 503
retirement study council, other than employees who perform 504
purely administrative or clerical functions; the administrator 505
of workers' compensation and each member of the bureau of 506
workers' compensation board of directors; the bureau of workers' 507
compensation director of investments; the chief investment 508
officer of the bureau of workers' compensation; all members of 509
the board of commissioners on grievances and discipline of the 510
supreme court and the ethics commission created under section 511
102.05 of the Revised Code; every business manager, treasurer, 512
or superintendent of a city, local, exempted village, joint 513
vocational, or cooperative education school district or an 514

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

(2) The disclosure statement shall include all of the 539
following: 540

(a) The name of the person filing the statement and each 541
member of the person's immediate family and all names under 542
which the person or members of the person's immediate family do 543
business; 544

(b) (i) Subject to divisions (A) (2) (b) (ii) and (iii) of 545
this section and except as otherwise provided in section 102.022 546
of the Revised Code, identification of every source of income, 547
other than income from a legislative agent identified in 548
division (A) (2) (b) (ii) of this section, received during the 549
preceding calendar year, in the person's own name or by any 550
other person for the person's use or benefit, by the person 551
filing the statement, and a brief description of the nature of 552
the services for which the income was received. If the person 553
filing the statement is a member of the general assembly, the 554
statement shall identify the amount of every source of income 555
received in accordance with the following ranges of amounts: 556
zero or more, but less than one thousand dollars; one thousand 557
dollars or more, but less than ten thousand dollars; ten 558
thousand dollars or more, but less than twenty-five thousand 559
dollars; twenty-five thousand dollars or more, but less than 560
fifty thousand dollars; fifty thousand dollars or more, but less 561
than one hundred thousand dollars; and one hundred thousand 562
dollars or more. Division (A) (2) (b) (i) of this section shall not 563
be construed to require a person filing the statement who 564
derives income from a business or profession to disclose the 565
individual items of income that constitute the gross income of 566
that business or profession, except for those individual items 567
of income that are attributable to the person's or, if the 568
income is shared with the person, the partner's, solicitation of 569
services or goods or performance, arrangement, or facilitation 570
of services or provision of goods on behalf of the business or 571
profession of clients, including corporate clients, who are 572
legislative agents. A person who files the statement under this 573
section shall disclose the identity of and the amount of income 574
received from a person who the public official or employee knows 575
or has reason to know is doing or seeking to do business of any 576

kind with the public official's or employee's agency. 577

(ii) If the person filing the statement is a member of the 578
general assembly, the statement shall identify every source of 579
income and the amount of that income that was received from a 580
legislative agent during the preceding calendar year, in the 581
person's own name or by any other person for the person's use or 582
benefit, by the person filing the statement, and a brief 583
description of the nature of the services for which the income 584
was received. Division (A) (2) (b) (ii) of this section requires 585
the disclosure of clients of attorneys or persons licensed under 586
section 4732.12 of the Revised Code, or patients of persons 587
licensed under section 4731.14 of the Revised Code, if those 588
clients or patients are legislative agents. Division (A) (2) (b) 589
(ii) of this section requires a person filing the statement who 590
derives income from a business or profession to disclose those 591
individual items of income that constitute the gross income of 592
that business or profession that are received from legislative 593
agents. 594

(iii) Except as otherwise provided in division (A) (2) (b) 595
(iii) of this section, division (A) (2) (b) (i) of this section 596
applies to attorneys, physicians, and other persons who engage 597
in the practice of a profession and who, pursuant to a section 598
of the Revised Code, the common law of this state, a code of 599
ethics applicable to the profession, or otherwise, generally are 600
required not to reveal, disclose, or use confidences of clients, 601
patients, or other recipients of professional services except 602
under specified circumstances or generally are required to 603
maintain those types of confidences as privileged communications 604
except under specified circumstances. Division (A) (2) (b) (i) of 605
this section does not require an attorney, physician, or other 606
professional subject to a confidentiality requirement as 607

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

(c) The name of every corporation on file with the 628
secretary of state that is incorporated in this state or holds a 629
certificate of compliance authorizing it to do business in this 630
state, trust, business trust, partnership, or association that 631
transacts business in this state in which the person filing the 632
statement or any other person for the person's use and benefit 633
had during the preceding calendar year an investment of over one 634
thousand dollars at fair market value as of the thirty-first day 635
of December of the preceding calendar year, or the date of 636
disposition, whichever is earlier, or in which the person holds 637
any office or has a fiduciary relationship, and a description of 638

the nature of the investment, office, or relationship. Division 639
(A) (2) (c) of this section does not require disclosure of the 640
name of any bank, savings and loan association, credit union, or 641
building and loan association with which the person filing the 642
statement has a deposit or a withdrawable share account. 643

(d) All fee simple and leasehold interests to which the 644
person filing the statement holds legal title to or a beneficial 645
interest in real property located within the state, excluding 646
the person's residence and property used primarily for personal 647
recreation; 648

(e) The names of all persons residing or transacting 649
business in the state to whom the person filing the statement 650
owes, in the person's own name or in the name of any other 651
person, more than one thousand dollars. Division (A) (2) (e) of 652
this section shall not be construed to require the disclosure of 653
debts owed by the person resulting from the ordinary conduct of 654
a business or profession or debts on the person's residence or 655
real property used primarily for personal recreation, except 656
that the superintendent of financial institutions and any deputy 657
superintendent of banks shall disclose the names of all state- 658
chartered banks and all bank subsidiary corporations subject to 659
regulation under section 1109.44 of the Revised Code to whom the 660
superintendent or deputy superintendent owes any money. 661

(f) The names of all persons residing or transacting 662
business in the state, other than a depository excluded under 663
division (A) (2) (c) of this section, who owe more than one 664
thousand dollars to the person filing the statement, either in 665
the person's own name or to any person for the person's use or 666
benefit. Division (A) (2) (f) of this section shall not be 667
construed to require the disclosure of clients of attorneys or 668

persons licensed under section 4732.12 of the Revised Code, or 669
patients of persons licensed under section 4731.14 of the 670
Revised Code, nor the disclosure of debts owed to the person 671
resulting from the ordinary conduct of a business or profession. 672

(g) Except as otherwise provided in section 102.022 of the 673
Revised Code, the source of each gift of over seventy-five 674
dollars, or of each gift of over twenty-five dollars received by 675
a member of the general assembly from a legislative agent, 676
received by the person in the person's own name or by any other 677
person for the person's use or benefit during the preceding 678
calendar year, except gifts received by will or by virtue of 679
section 2105.06 of the Revised Code, or received from spouses, 680
parents, grandparents, children, grandchildren, siblings, 681
nephews, nieces, uncles, aunts, brothers-in-law, sisters-in-law, 682
sons-in-law, daughters-in-law, fathers-in-law, mothers-in-law, 683
or any person to whom the person filing the statement stands in 684
loco parentis, or received by way of distribution from any inter 685
vivos or testamentary trust established by a spouse or by an 686
ancestor; 687

(h) Except as otherwise provided in section 102.022 of the 688
Revised Code, identification of the source and amount of every 689
payment of expenses incurred for travel to destinations inside 690
or outside this state that is received by the person in the 691
person's own name or by any other person for the person's use or 692
benefit and that is incurred in connection with the person's 693
official duties, except for expenses for travel to meetings or 694
conventions of a national or state organization to which any 695
state agency, including, but not limited to, any legislative 696
agency or state institution of higher education as defined in 697
section 3345.011 of the Revised Code, pays membership dues, or 698
any political subdivision or any office or agency of a political 699

subdivision pays membership dues; 700

(i) Except as otherwise provided in section 102.022 of the 701
Revised Code, identification of the source of payment of 702
expenses for meals and other food and beverages, other than for 703
meals and other food and beverages provided at a meeting at 704
which the person participated in a panel, seminar, or speaking 705
engagement or at a meeting or convention of a national or state 706
organization to which any state agency, including, but not 707
limited to, any legislative agency or state institution of 708
higher education as defined in section 3345.011 of the Revised 709
Code, pays membership dues, or any political subdivision or any 710
office or agency of a political subdivision pays membership 711
dues, that are incurred in connection with the person's official 712
duties and that exceed one hundred dollars aggregated per 713
calendar year; 714

(j) If the disclosure statement is filed by a public 715
official or employee described in division (B) (2) of section 716
101.73 of the Revised Code or division (B) (2) of section 121.63 717
of the Revised Code who receives a statement from a legislative 718
agent, executive agency lobbyist, or employer that contains the 719
information described in division (F) (2) of section 101.73 of 720
the Revised Code or division (G) (2) of section 121.63 of the 721
Revised Code, all of the nondisputed information contained in 722
the statement delivered to that public official or employee by 723
the legislative agent, executive agency lobbyist, or employer 724
under division (F) (2) of section 101.73 or (G) (2) of section 725
121.63 of the Revised Code. 726

(3) A person may file a statement required by this section 727
in person, by mail, or by electronic means. 728

(4) A person who is required to file a statement under 729

this section shall file that statement according to the 730
following deadlines, as applicable: 731

(a) Except as otherwise provided in divisions (A) (4) (b), 732
(c), and (d) of this section, the person shall file the 733
statement not later than the fifteenth day of May of each year. 734

(b) A person who is a candidate for elective office shall 735
file the statement no later than the thirtieth day before the 736
primary, special, or general election at which the candidacy is 737
to be voted on, whichever election occurs soonest, except that a 738
person who is a write-in candidate shall file the statement no 739
later than the twentieth day before the earliest election at 740
which the person's candidacy is to be voted on. 741

(c) A person who is appointed to fill a vacancy for an 742
unexpired term in an elective office shall file the statement 743
within fifteen days after the person qualifies for office. 744

(d) A person who is appointed or employed after the 745
fifteenth day of May, other than a person described in division 746
(A) (4) (c) of this section, shall file an annual statement within 747
ninety days after appointment or employment. 748

(5) No person shall be required to file with the 749
appropriate ethics commission more than one statement or pay 750
more than one filing fee for any one calendar year. 751

(6) The appropriate ethics commission, for good cause, may 752
extend for a reasonable time the deadline for filing a statement 753
under this section. 754

(7) A statement filed under this section is subject to 755
public inspection at locations designated by the appropriate 756
ethics commission except as otherwise provided in this section. 757

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

Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district or educational service center pursuant to Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent

of that school district or educational service center. 789
Disclosure statements filed with the Ohio ethics commission 790
under division (A) of this section by the individuals set forth 791
in division (B) (2) of section 187.03 of the Revised Code shall 792
be kept confidential. The Ohio ethics commission shall examine 793
each disclosure statement required to be kept confidential to 794
determine whether a potential conflict of interest exists for 795
the person who filed the disclosure statement. A potential 796
conflict of interest exists if the private interests of the 797
person, as indicated by the person's disclosure statement, might 798
interfere with the public interests the person is required to 799
serve in the exercise of the person's authority and duties in 800
the person's office or position of employment. If the commission 801
determines that a potential conflict of interest exists, it 802
shall notify the person who filed the disclosure statement and 803
shall make the portions of the disclosure statement that 804
indicate a potential conflict of interest subject to public 805
inspection in the same manner as is provided for other 806
disclosure statements. Any portion of the disclosure statement 807
that the commission determines does not indicate a potential 808
conflict of interest shall be kept confidential by the 809
commission and shall not be made subject to public inspection, 810
except as is necessary for the enforcement of Chapters 102. and 811
2921. of the Revised Code and except as otherwise provided in 812
this division. 813

(C) No person shall knowingly fail to file, on or before 814
the applicable filing deadline established under this section, a 815
statement that is required by this section. 816

(D) No person shall knowingly file a false statement that 817
is required to be filed under this section. 818

(E) (1) Except as provided in divisions (E) (2) and (3) of 819
this section, the statement required by division (A) or (B) of 820
this section shall be accompanied by a filing fee of sixty 821
dollars. 822

(2) The statement required by division (A) of this section 823
shall be accompanied by the following filing fee to be paid by 824
the person who is elected or appointed to, or is a candidate 825
for, any of the following offices: 826

827

1

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- | | | |
|---|---|------|
| A | For state office, except member of the state board of education | \$95 |
| B | For office of member of general assembly | \$40 |
| C | For county office | \$60 |
| D | For city office | \$35 |
| E | For office of member of the state board of education | \$35 |
| F | For office of member of a city, local, exempted village, or cooperative education board of education or educational service center governing board | \$30 |
| G | For position of business manager, treasurer, or superintendent of a city, local, exempted village, joint vocational, or cooperative education school district or educational service center | \$30 |

(3) No judge of a court of record or candidate for judge 828
of a court of record, and no referee or magistrate serving a 829
court of record, shall be required to pay the fee required under 830
division (E) (1) or (2) or (F) of this section. 831

(4) For any public official who is appointed to a 832
nonelective office of the state and for any employee who holds a 833
nonelective position in a public agency of the state, the state 834
agency that is the primary employer of the state official or 835
employee shall pay the fee required under division (E) (1) or (F) 836
of this section. 837

(F) If a statement required to be filed under this section 838
is not filed by the date on which it is required to be filed, 839
the appropriate ethics commission shall assess the person 840
required to file the statement a late filing fee of ten dollars 841
for each day the statement is not filed, except that the total 842
amount of the late filing fee shall not exceed two hundred fifty 843
dollars. 844

(G) (1) The appropriate ethics commission other than the 845
Ohio ethics commission and the joint legislative ethics 846
committee shall deposit all fees it receives under divisions (E) 847
and (F) of this section into the general revenue fund of the 848
state. 849

(2) The Ohio ethics commission shall deposit all receipts, 850
including, but not limited to, fees it receives under divisions 851
(E) and (F) of this section, investigative or other fees, costs, 852
or other funds it receives as a result of court orders, and all 853
moneys it receives from settlements under division (G) of 854
section 102.06 of the Revised Code, into the Ohio ethics 855
commission fund, which is hereby created in the state treasury. 856
All moneys credited to the fund shall be used solely for 857

expenses related to the operation and statutory functions of the 858
commission. 859

(3) The joint legislative ethics committee shall deposit 860
all receipts it receives from the payment of financial 861
disclosure statement filing fees under divisions (E) and (F) of 862
this section into the joint legislative ethics committee 863
investigative and financial disclosure fund. 864

(H) Division (A) of this section does not apply to a 865
person elected or appointed to the office of precinct, ward, or 866
district committee member under Chapter 3517. of the Revised 867
Code; a presidential elector; a delegate to a national 868
convention; village or township officials and employees; any 869
physician or psychiatrist who is paid a salary or wage in 870
accordance with schedule C of section 124.15 or schedule E-2 of 871
section 124.152 of the Revised Code and whose primary duties do 872
not require the exercise of administrative discretion; or any 873
member of a board, commission, or bureau of any county or city 874
who receives less than one thousand dollars per year for serving 875
in that position. 876

Sec. 109.57. (A) (1) The superintendent of the bureau of 877
criminal identification and investigation shall procure from 878
wherever procurable and file for record photographs, pictures, 879
descriptions, fingerprints, measurements, and other information 880
that may be pertinent of all persons who have been convicted of 881
committing within this state a felony, any crime constituting a 882
misdemeanor on the first offense and a felony on subsequent 883
offenses, or any misdemeanor described in division (A) (1) (a), 884
~~(A) (5) (a)~~ (A) (4) (a), or ~~(A) (7) (a)~~ (A) (6) (a) of section 109.572 885
of the Revised Code, of all children under eighteen years of age 886
who have been adjudicated delinquent children for committing 887

within this state an act that would be a felony or an offense of 888
violence if committed by an adult or who have been convicted of 889
or pleaded guilty to committing within this state a felony or an 890
offense of violence, and of all well-known and habitual 891
criminals. The person in charge of any county, multicounty, 892
municipal, municipal-county, or multicounty-municipal jail or 893
workhouse, community-based correctional facility, halfway house, 894
alternative residential facility, or state correctional 895
institution and the person in charge of any state institution 896
having custody of a person suspected of having committed a 897
felony, any crime constituting a misdemeanor on the first 898
offense and a felony on subsequent offenses, or any misdemeanor 899
described in division (A) (1) (a), ~~(A) (5) (a)~~ (A) (4) (a), or ~~(A) (7)~~ 900
~~(a)~~ (A) (6) (a) of section 109.572 of the Revised Code or having 901
custody of a child under eighteen years of age with respect to 902
whom there is probable cause to believe that the child may have 903
committed an act that would be a felony or an offense of 904
violence if committed by an adult shall furnish such material to 905
the superintendent of the bureau. Fingerprints, photographs, or 906
other descriptive information of a child who is under eighteen 907
years of age, has not been arrested or otherwise taken into 908
custody for committing an act that would be a felony or an 909
offense of violence who is not in any other category of child 910
specified in this division, if committed by an adult, has not 911
been adjudicated a delinquent child for committing an act that 912
would be a felony or an offense of violence if committed by an 913
adult, has not been convicted of or pleaded guilty to committing 914
a felony or an offense of violence, and is not a child with 915
respect to whom there is probable cause to believe that the 916
child may have committed an act that would be a felony or an 917
offense of violence if committed by an adult shall not be 918
procured by the superintendent or furnished by any person in 919

charge of any county, multicounty, municipal, municipal-county, 920
or multicounty-municipal jail or workhouse, community-based 921
correctional facility, halfway house, alternative residential 922
facility, or state correctional institution, except as 923
authorized in section 2151.313 of the Revised Code. 924

(2) Every clerk of a court of record in this state, other 925
than the supreme court or a court of appeals, shall send to the 926
superintendent of the bureau a weekly report containing a 927
summary of each case involving a felony, involving any crime 928
constituting a misdemeanor on the first offense and a felony on 929
subsequent offenses, involving a misdemeanor described in 930
division (A) (1) (a), ~~(A) (5) (a)~~ (A) (4) (a), or ~~(A) (7) (a)~~ (A) (6) (a) 931
of section 109.572 of the Revised Code, or involving an 932
adjudication in a case in which a child under eighteen years of 933
age was alleged to be a delinquent child for committing an act 934
that would be a felony or an offense of violence if committed by 935
an adult. The clerk of the court of common pleas shall include 936
in the report and summary the clerk sends under this division 937
all information described in divisions (A) (2) (a) to (f) of this 938
section regarding a case before the court of appeals that is 939
served by that clerk. The summary shall be written on the 940
standard forms furnished by the superintendent pursuant to 941
division (B) of this section and shall include the following 942
information: 943

(a) The incident tracking number contained on the standard 944
forms furnished by the superintendent pursuant to division (B) 945
of this section; 946

(b) The style and number of the case; 947

(c) The date of arrest, offense, summons, or arraignment; 948

(d) The date that the person was convicted of or pleaded guilty to the offense, adjudicated a delinquent child for committing the act that would be a felony or an offense of violence if committed by an adult, found not guilty of the offense, or found not to be a delinquent child for committing an act that would be a felony or an offense of violence if committed by an adult, the date of an entry dismissing the charge, an entry declaring a mistrial of the offense in which the person is discharged, an entry finding that the person or child is not competent to stand trial, or an entry of a nolle prosequi, or the date of any other determination that constitutes final resolution of the case;

(e) A statement of the original charge with the section of the Revised Code that was alleged to be violated;

(f) If the person or child was convicted, pleaded guilty, or was adjudicated a delinquent child, the sentence or terms of probation imposed or any other disposition of the offender or the delinquent child.

If the offense involved the disarming of a law enforcement officer or an attempt to disarm a law enforcement officer, the clerk shall clearly state that fact in the summary, and the superintendent shall ensure that a clear statement of that fact is placed in the bureau's records.

(3) The superintendent shall cooperate with and assist sheriffs, chiefs of police, and other law enforcement officers in the establishment of a complete system of criminal identification and in obtaining fingerprints and other means of identification of all persons arrested on a charge of a felony, any crime constituting a misdemeanor on the first offense and a felony on subsequent offenses, or a misdemeanor described in

division (A) (1) (a), ~~(A) (5) (a)~~ (A) (4) (a), or ~~(A) (7) (a)~~ (A) (6) (a) 979
of section 109.572 of the Revised Code and of all children under 980
eighteen years of age arrested or otherwise taken into custody 981
for committing an act that would be a felony or an offense of 982
violence if committed by an adult. The superintendent also shall 983
file for record the fingerprint impressions of all persons 984
confined in a county, multicounty, municipal, municipal-county, 985
or multicounty-municipal jail or workhouse, community-based 986
correctional facility, halfway house, alternative residential 987
facility, or state correctional institution for the violation of 988
state laws and of all children under eighteen years of age who 989
are confined in a county, multicounty, municipal, municipal- 990
county, or multicounty-municipal jail or workhouse, community- 991
based correctional facility, halfway house, alternative 992
residential facility, or state correctional institution or in 993
any facility for delinquent children for committing an act that 994
would be a felony or an offense of violence if committed by an 995
adult, and any other information that the superintendent may 996
receive from law enforcement officials of the state and its 997
political subdivisions. 998

(4) The superintendent shall carry out Chapter 2950. of 999
the Revised Code with respect to the registration of persons who 1000
are convicted of or plead guilty to a sexually oriented offense 1001
or a child-victim oriented offense and with respect to all other 1002
duties imposed on the bureau under that chapter. 1003

(5) The bureau shall perform centralized recordkeeping 1004
functions for criminal history records and services in this 1005
state for purposes of the national crime prevention and privacy 1006
compact set forth in section 109.571 of the Revised Code and is 1007
the criminal history record repository as defined in that 1008
section for purposes of that compact. The superintendent or the 1009

superintendent's designee is the compact officer for purposes of 1010
that compact and shall carry out the responsibilities of the 1011
compact officer specified in that compact. 1012

(6) The superintendent shall, upon request, assist a 1013
county coroner in the identification of a deceased person 1014
through the use of fingerprint impressions obtained pursuant to 1015
division (A)(1) of this section or collected pursuant to section 1016
109.572 or 311.41 of the Revised Code. 1017

(B) The superintendent shall prepare and furnish to every 1018
county, multicounty, municipal, municipal-county, or 1019
multicounty-municipal jail or workhouse, community-based 1020
correctional facility, halfway house, alternative residential 1021
facility, or state correctional institution and to every clerk 1022
of a court in this state specified in division (A)(2) of this 1023
section standard forms for reporting the information required 1024
under division (A) of this section. The standard forms that the 1025
superintendent prepares pursuant to this division may be in a 1026
tangible format, in an electronic format, or in both tangible 1027
formats and electronic formats. 1028

(C)(1) The superintendent may operate a center for 1029
electronic, automated, or other data processing for the storage 1030
and retrieval of information, data, and statistics pertaining to 1031
criminals and to children under eighteen years of age who are 1032
adjudicated delinquent children for committing an act that would 1033
be a felony or an offense of violence if committed by an adult, 1034
criminal activity, crime prevention, law enforcement, and 1035
criminal justice, and may establish and operate a statewide 1036
communications network to be known as the Ohio law enforcement 1037
gateway to gather and disseminate information, data, and 1038
statistics for the use of law enforcement agencies and for other 1039

uses specified in this division. The superintendent may gather, 1040
store, retrieve, and disseminate information, data, and 1041
statistics that pertain to children who are under eighteen years 1042
of age and that are gathered pursuant to sections 109.57 to 1043
109.61 of the Revised Code together with information, data, and 1044
statistics that pertain to adults and that are gathered pursuant 1045
to those sections. 1046

(2) The superintendent or the superintendent's designee 1047
shall gather information of the nature described in division (C) 1048
(1) of this section that pertains to the offense and delinquency 1049
history of a person who has been convicted of, pleaded guilty 1050
to, or been adjudicated a delinquent child for committing a 1051
sexually oriented offense or a child-victim oriented offense for 1052
inclusion in the state registry of sex offenders and child- 1053
victim offenders maintained pursuant to division (A) (1) of 1054
section 2950.13 of the Revised Code and in the internet database 1055
operated pursuant to division (A) (13) of that section and for 1056
possible inclusion in the internet database operated pursuant to 1057
division (A) (11) of that section. 1058

(3) In addition to any other authorized use of 1059
information, data, and statistics of the nature described in 1060
division (C) (1) of this section, the superintendent or the 1061
superintendent's designee may provide and exchange the 1062
information, data, and statistics pursuant to the national crime 1063
prevention and privacy compact as described in division (A) (5) 1064
of this section. 1065

(4) The Ohio law enforcement gateway shall contain the 1066
name, confidential address, and telephone number of program 1067
participants in the address confidentiality program established 1068
under sections 111.41 to 111.47 of the Revised Code. 1069

(5) The attorney general may adopt rules under Chapter 1070
119. of the Revised Code establishing guidelines for the 1071
operation of and participation in the Ohio law enforcement 1072
gateway. The rules may include criteria for granting and 1073
restricting access to information gathered and disseminated 1074
through the Ohio law enforcement gateway. The attorney general 1075
shall adopt rules under Chapter 119. of the Revised Code that 1076
grant access to information in the gateway regarding an address 1077
confidentiality program participant under sections 111.41 to 1078
111.47 of the Revised Code to only chiefs of police, village 1079
marshals, county sheriffs, county prosecuting attorneys, and a 1080
designee of each of these individuals. The attorney general 1081
shall permit the state medical board and board of nursing to 1082
access and view, but not alter, information gathered and 1083
disseminated through the Ohio law enforcement gateway. 1084

The attorney general may appoint a steering committee to 1085
advise the attorney general in the operation of the Ohio law 1086
enforcement gateway that is comprised of persons who are 1087
representatives of the criminal justice agencies in this state 1088
that use the Ohio law enforcement gateway and is chaired by the 1089
superintendent or the superintendent's designee. 1090

(D) (1) The following are not public records under section 1091
149.43 of the Revised Code: 1092

(a) Information and materials furnished to the 1093
superintendent pursuant to division (A) of this section; 1094

(b) Information, data, and statistics gathered or 1095
disseminated through the Ohio law enforcement gateway pursuant 1096
to division (C) (1) of this section; 1097

(c) Information and materials furnished to any board or 1098

person under division (F) or (G) of this section. 1099

(2) The superintendent or the superintendent's designee 1100
shall gather and retain information so furnished under division 1101
(A) of this section that pertains to the offense and delinquency 1102
history of a person who has been convicted of, pleaded guilty 1103
to, or been adjudicated a delinquent child for committing a 1104
sexually oriented offense or a child-victim oriented offense for 1105
the purposes described in division (C) (2) of this section. 1106

(E) (1) The attorney general shall adopt rules, in 1107
accordance with Chapter 119. of the Revised Code and subject to 1108
division (E) (2) of this section, setting forth the procedure by 1109
which a person may receive or release information gathered by 1110
the superintendent pursuant to division (A) of this section. A 1111
reasonable fee may be charged for this service. If a temporary 1112
employment service submits a request for a determination of 1113
whether a person the service plans to refer to an employment 1114
position has been convicted of or pleaded guilty to an offense 1115
listed or described in division (A) (1), (2), or (3) of section 1116
109.572 of the Revised Code, the request shall be treated as a 1117
single request and only one fee shall be charged. 1118

(2) Except as otherwise provided in this division or 1119
division (E) (3) or (4) of this section, a rule adopted under 1120
division (E) (1) of this section may provide only for the release 1121
of information gathered pursuant to division (A) of this section 1122
that relates to the conviction of a person, or a person's plea 1123
of guilty to, a criminal offense or to the arrest of a person as 1124
provided in division (E) (3) of this section. The superintendent 1125
shall not release, and the attorney general shall not adopt any 1126
rule under division (E) (1) of this section that permits the 1127
release of, any information gathered pursuant to division (A) of 1128

this section that relates to an adjudication of a child as a delinquent child, or that relates to a criminal conviction of a person under eighteen years of age if the person's case was transferred back to a juvenile court under division (B) (2) or (3) of section 2152.121 of the Revised Code and the juvenile court imposed a disposition or serious youthful offender disposition upon the person under either division, unless either of the following applies with respect to the adjudication or conviction:

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

(b) The adjudication or conviction was for a sexually oriented offense, the juvenile court was required to classify the child a juvenile offender registrant for that offense under section 2152.82, 2152.83, or 2152.86 of the Revised Code, that classification has not been removed, and the records of the adjudication or conviction have not been sealed or expunged pursuant to sections 2151.355 to 2151.358 or sealed pursuant to section 2952.32 of the Revised Code.

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

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

(b) A criminal action resulting from the arrest is pending, and the superintendent confirms that the criminal action has not been resolved at the time the criminal records

check is performed. 1158

(c) The bureau cannot reasonably determine whether a 1159
criminal action resulting from the arrest is pending, and not 1160
more than one year has elapsed since the date of the arrest. 1161

(4) A rule adopted under division (E)(1) of this section 1162
may provide for the release of information gathered pursuant to 1163
division (A) of this section that relates to an adjudication of 1164
a child as a delinquent child if not more than five years have 1165
elapsed since the date of the adjudication, the adjudication was 1166
for an act that would have been a felony if committed by an 1167
adult, the records of the adjudication have not been sealed or 1168
expunged pursuant to sections 2151.355 to 2151.358 of the 1169
Revised Code, and the request for information is made under 1170
division (F) of this section or under section 109.572 of the 1171
Revised Code. In the case of an adjudication for a violation of 1172
the terms of community control or supervised release, the five- 1173
year period shall be calculated from the date of the 1174
adjudication to which the community control or supervised 1175
release pertains. 1176

(F)(1) As used in division (F)(2) of this section, "head 1177
start agency" means an entity in this state that has been 1178
approved to be an agency for purposes of subchapter II of the 1179
"Community Economic Development Act," 95 Stat. 489 (1981), 42 1180
U.S.C.A. 9831, as amended. 1181

(2)(a) In addition to or in conjunction with any request 1182
that is required to be made under section 109.572, 2151.86, 1183
3301.32, 3301.541, division (C) of section 3310.58, or section 1184
3319.39, 3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 1185
5153.111 of the Revised Code or that is made under section 1186
3314.41, 3319.392, 3326.25, or 3328.20 of the Revised Code, the 1187

board of education of any school district; the director of 1188
developmental disabilities; any county board of developmental 1189
disabilities; any provider or subcontractor as defined in 1190
section 5123.081 of the Revised Code; the chief administrator of 1191
any chartered nonpublic school; the chief administrator of a 1192
registered private provider that is not also a chartered 1193
nonpublic school; the chief administrator of any home health 1194
agency; the chief administrator of or person operating any child 1195
day-care center, type A family day-care home, or type B family 1196
day-care home licensed under Chapter 5104. of the Revised Code; 1197
the chief administrator of any head start agency; the executive 1198
director of a public children services agency; a private company 1199
described in section 3314.41, 3319.392, 3326.25, or 3328.20 of 1200
the Revised Code; or an employer described in division (J) (2) of 1201
section 3327.10 of the Revised Code may request that the 1202
superintendent of the bureau investigate and determine, with 1203
respect to any individual who has applied for employment in any 1204
position after October 2, 1989, or any individual wishing to 1205
apply for employment with a board of education may request, with 1206
regard to the individual, whether the bureau has any information 1207
gathered under division (A) of this section that pertains to 1208
that individual. On receipt of the request, subject to division 1209
(E) (2) of this section, the superintendent shall determine 1210
whether that information exists and, upon request of the person, 1211
board, or entity requesting information, also shall request from 1212
the federal bureau of investigation any criminal records it has 1213
pertaining to that individual. The superintendent or the 1214
superintendent's designee also may request criminal history 1215
records from other states or the federal government pursuant to 1216
the national crime prevention and privacy compact set forth in 1217
section 109.571 of the Revised Code. Within thirty days of the 1218
date that the superintendent receives a request, subject to 1219

division (E) (2) of this section, the superintendent shall send 1220
to the board, entity, or person a report of any information that 1221
the superintendent determines exists, including information 1222
contained in records that have been sealed under section 2953.32 1223
of the Revised Code, and, within thirty days of its receipt, 1224
subject to division (E) (2) of this section, shall send the 1225
board, entity, or person a report of any information received 1226
from the federal bureau of investigation, other than information 1227
the dissemination of which is prohibited by federal law. 1228

(b) When a board of education or a registered private 1229
provider is required to receive information under this section 1230
as a prerequisite to employment of an individual pursuant to 1231
division (C) of section 3310.58 or section 3319.39 of the 1232
Revised Code, it may accept a certified copy of records that 1233
were issued by the bureau of criminal identification and 1234
investigation and that are presented by an individual applying 1235
for employment with the district in lieu of requesting that 1236
information itself. In such a case, the board shall accept the 1237
certified copy issued by the bureau in order to make a photocopy 1238
of it for that individual's employment application documents and 1239
shall return the certified copy to the individual. In a case of 1240
that nature, a district or provider only shall accept a 1241
certified copy of records of that nature within one year after 1242
the date of their issuance by the bureau. 1243

(c) Notwithstanding division (F) (2) (a) of this section, in 1244
the case of a request under section 3319.39, 3319.391, or 1245
3327.10 of the Revised Code only for criminal records maintained 1246
by the federal bureau of investigation, the superintendent shall 1247
not determine whether any information gathered under division 1248
(A) of this section exists on the person for whom the request is 1249
made. 1250

(3) The state board of education or the department of 1251
education and workforce may request, with respect to any 1252
individual who has applied for employment after October 2, 1989, 1253
in any position with the state board or the department of 1254
education and workforce, any information that a school district 1255
board of education is authorized to request under division (F) 1256
(2) of this section, and the superintendent of the bureau shall 1257
proceed as if the request has been received from a school 1258
district board of education under division (F) (2) of this 1259
section. 1260

(4) When the superintendent of the bureau receives a 1261
request for information under section 3319.291 of the Revised 1262
Code, the superintendent shall proceed as if the request has 1263
been received from a school district board of education and 1264
shall comply with divisions (F) (2) (a) and (c) of this section. 1265

(G) In addition to or in conjunction with any request that 1266
is required to be made under section 3712.09, 3721.121, or 1267
3740.11 of the Revised Code with respect to an individual who 1268
has applied for employment in a position that involves providing 1269
direct care to an older adult or adult resident, the chief 1270
administrator of a home health agency, hospice care program, 1271
home licensed under Chapter 3721. of the Revised Code, or adult 1272
day-care program operated pursuant to rules adopted under 1273
section 3721.04 of the Revised Code may request that the 1274
superintendent of the bureau investigate and determine, with 1275
respect to any individual who has applied after January 27, 1276
1997, for employment in a position that does not involve 1277
providing direct care to an older adult or adult resident, 1278
whether the bureau has any information gathered under division 1279
(A) of this section that pertains to that individual. 1280

In addition to or in conjunction with any request that is 1281
required to be made under section 173.27 of the Revised Code 1282
with respect to an individual who has applied for employment in 1283
a position that involves providing ombudsman services to 1284
residents of long-term care facilities or recipients of 1285
community-based long-term care services, the state long-term 1286
care ombudsman, the director of aging, a regional long-term care 1287
ombudsman program, or the designee of the ombudsman, director, 1288
or program may request that the superintendent investigate and 1289
determine, with respect to any individual who has applied for 1290
employment in a position that does not involve providing such 1291
ombudsman services, whether the bureau has any information 1292
gathered under division (A) of this section that pertains to 1293
that applicant. 1294

In addition to or in conjunction with any request that is 1295
required to be made under section 173.38 of the Revised Code 1296
with respect to an individual who has applied for employment in 1297
a direct-care position, the chief administrator of a provider, 1298
as defined in section 173.39 of the Revised Code, may request 1299
that the superintendent investigate and determine, with respect 1300
to any individual who has applied for employment in a position 1301
that is not a direct-care position, whether the bureau has any 1302
information gathered under division (A) of this section that 1303
pertains to that applicant. 1304

In addition to or in conjunction with any request that is 1305
required to be made under section 3712.09 of the Revised Code 1306
with respect to an individual who has applied for employment in 1307
a position that involves providing direct care to a pediatric 1308
respite care patient, the chief administrator of a pediatric 1309
respite care program may request that the superintendent of the 1310
bureau investigate and determine, with respect to any individual 1311

who has applied for employment in a position that does not 1312
involve providing direct care to a pediatric respite care 1313
patient, whether the bureau has any information gathered under 1314
division (A) of this section that pertains to that individual. 1315

On receipt of a request under this division, the 1316
superintendent shall determine whether that information exists 1317
and, on request of the individual requesting information, shall 1318
also request from the federal bureau of investigation any 1319
criminal records it has pertaining to the applicant. The 1320
superintendent or the superintendent's designee also may request 1321
criminal history records from other states or the federal 1322
government pursuant to the national crime prevention and privacy 1323
compact set forth in section 109.571 of the Revised Code. Within 1324
thirty days of the date a request is received, subject to 1325
division (E) (2) of this section, the superintendent shall send 1326
to the requester a report of any information determined to 1327
exist, including information contained in records that have been 1328
sealed under section 2953.32 of the Revised Code, and, within 1329
thirty days of its receipt, shall send the requester a report of 1330
any information received from the federal bureau of 1331
investigation, other than information the dissemination of which 1332
is prohibited by federal law. 1333

(H) Information obtained by a government entity or person 1334
under this section is confidential and shall not be released or 1335
disseminated. 1336

(I) The superintendent may charge a reasonable fee for 1337
providing information or criminal records under division (F) (2) 1338
or (G) of this section. 1339

(J) As used in this section: 1340

(1) "Pediatric respite care program" and "pediatric care patient" have the same meanings as in section 3712.01 of the Revised Code. 1341
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(2) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code. 1344
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(3) "Registered private provider" means a nonpublic school or entity registered with the ~~superintendent of public instruction~~ department of education and workforce under section 3310.41 of the Revised Code to participate in the autism scholarship program or section 3310.58 of the Revised Code to participate in the Jon Peterson special needs scholarship program. 1347
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Sec. 109.572. (A) (1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C) (1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C) (2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of or pleaded guilty to any of the following: 1354
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(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 1365
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2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 1371
2923.12, 2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 1372
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 1373
2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 1374
of the Revised Code, felonious sexual penetration in violation 1375
of former section 2907.12 of the Revised Code, a violation of 1376
section 2905.04 of the Revised Code as it existed prior to July 1377
1, 1996, a violation of section 2919.23 of the Revised Code that 1378
would have been a violation of section 2905.04 of the Revised 1379
Code as it existed prior to July 1, 1996, had the violation been 1380
committed prior to that date, or a violation of section 2925.11 1381
of the Revised Code that is not a minor drug possession offense; 1382

(b) A violation of an existing or former law of this 1383
state, any other state, or the United States that is 1384
substantially equivalent to any of the offenses listed in 1385
division (A) (1) (a) of this section; 1386

(c) If the request is made pursuant to section 3319.39 of 1387
the Revised Code for an applicant who is a teacher, any offense 1388
specified under section 9.79 of the Revised Code or in section 1389
3319.31 of the Revised Code. 1390

(2) On receipt of a request pursuant to section 3712.09 or 1391
3721.121 of the Revised Code, a completed form prescribed 1392
pursuant to division (C) (1) of this section, and a set of 1393
fingerprint impressions obtained in the manner described in 1394
division (C) (2) of this section, the superintendent of the 1395
bureau of criminal identification and investigation shall 1396
conduct a criminal records check with respect to any person who 1397
has applied for employment in a position for which a criminal 1398
records check is required by those sections. The superintendent 1399
shall conduct the criminal records check in the manner described 1400

in division (B) of this section to determine whether any 1401
information exists that indicates that the person who is the 1402
subject of the request previously has been convicted of or 1403
pleaded guilty to any of the following: 1404

(a) A violation of section 2903.01, 2903.02, 2903.03, 1405
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1406
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1407
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1408
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1409
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1410
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1411
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1412
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1413

(b) An existing or former law of this state, any other 1414
state, or the United States that is substantially equivalent to 1415
any of the offenses listed in division (A)(2)(a) of this 1416
section. 1417

(3) On receipt of a request pursuant to section 173.27, 1418
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 1419
5123.081, or 5123.169 of the Revised Code, a completed form 1420
prescribed pursuant to division (C)(1) of this section, and a 1421
set of fingerprint impressions obtained in the manner described 1422
in division (C)(2) of this section, the superintendent of the 1423
bureau of criminal identification and investigation shall 1424
conduct a criminal records check of the person for whom the 1425
request is made. The superintendent shall conduct the criminal 1426
records check in the manner described in division (B) of this 1427
section to determine whether any information exists that 1428
indicates that the person who is the subject of the request 1429
previously has been convicted of, has pleaded guilty to, or 1430

(except in the case of a request pursuant to section 5164.34, 1431
5164.341, or 5164.342 of the Revised Code) has been found 1432
eligible for intervention in lieu of conviction for any of the 1433
following, regardless of the date of the conviction, the date of 1434
entry of the guilty plea, or (except in the case of a request 1435
pursuant to section 5164.34, 5164.341, or 5164.342 of the 1436
Revised Code) the date the person was found eligible for 1437
intervention in lieu of conviction: 1438

(a) A violation of section 959.13, 959.131, 2903.01, 1439
2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 1440
2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 1441
2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 1442
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1443
2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 1444
2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 1445
2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 1446
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 1447
2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 1448
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 1449
2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1450
2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 1451
2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 1452
2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 1453
2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 1454
2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 1455
2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.141, 2925.22, 1456
2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 1457
of the Revised Code; 1458

(b) Felonious sexual penetration in violation of former 1459
section 2907.12 of the Revised Code; 1460

(c) A violation of section 2905.04 of the Revised Code as 1461
it existed prior to July 1, 1996; 1462

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 1463
the Revised Code when the underlying offense that is the object 1464
of the conspiracy, attempt, or complicity is one of the offenses 1465
listed in divisions (A) (3) (a) to (c) of this section; 1466

(e) A violation of an existing or former municipal 1467
ordinance or law of this state, any other state, or the United 1468
States that is substantially equivalent to any of the offenses 1469
listed in divisions (A) (3) (a) to (d) of this section. 1470

(4) On receipt of a request pursuant to section 2151.86 or 1471
2151.904 of the Revised Code, a completed form prescribed 1472
pursuant to division (C) (1) of this section, and a set of 1473
fingerprint impressions obtained in the manner described in 1474
division (C) (2) of this section, the superintendent of the 1475
bureau of criminal identification and investigation shall 1476
conduct a criminal records check in the manner described in 1477
division (B) of this section to determine whether any 1478
information exists that indicates that the person who is the 1479
subject of the request previously has been convicted of or 1480
pleaded guilty to any of the following: 1481

(a) A violation of section 959.13, 2903.01, 2903.02, 1482
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 1483
2903.21, 2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 1484
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1485
2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 1486
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 1487
2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 1488
2917.01, 2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 1489
2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 1490

2927.12, or 3716.11 of the Revised Code, a violation of section 1491
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1492
a violation of section 2919.23 of the Revised Code that would 1493
have been a violation of section 2905.04 of the Revised Code as 1494
it existed prior to July 1, 1996, had the violation been 1495
committed prior to that date, a violation of section 2925.11 of 1496
the Revised Code that is not a minor drug possession offense, 1497
two or more OVI or OVUAC violations committed within the three 1498
years immediately preceding the submission of the application or 1499
petition that is the basis of the request, or felonious sexual 1500
penetration in violation of former section 2907.12 of the 1501
Revised Code; 1502

(b) A violation of an existing or former law of this 1503
state, any other state, or the United States that is 1504
substantially equivalent to any of the offenses listed in 1505
division (A) (4) (a) of this section. 1506

(5) Upon receipt of a request pursuant to section 5104.013 1507
of the Revised Code, a completed form prescribed pursuant to 1508
division (C) (1) of this section, and a set of fingerprint 1509
impressions obtained in the manner described in division (C) (2) 1510
of this section, the superintendent of the bureau of criminal 1511
identification and investigation shall conduct a criminal 1512
records check in the manner described in division (B) of this 1513
section to determine whether any information exists that 1514
indicates that the person who is the subject of the request has 1515
been convicted of or pleaded guilty to any of the following: 1516

(a) A violation of section 2151.421, 2903.01, 2903.02, 1517
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 1518
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 1519
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 1520

2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 1521
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 1522
2909.03, 2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 1523
2913.02, 2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 1524
2913.21, 2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 1525
2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 1526
2913.48, 2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 1527
2919.22, 2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 1528
2921.13, 2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 1529
2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 1530
3716.11 of the Revised Code, felonious sexual penetration in 1531
violation of former section 2907.12 of the Revised Code, a 1532
violation of section 2905.04 of the Revised Code as it existed 1533
prior to July 1, 1996, a violation of section 2919.23 of the 1534
Revised Code that would have been a violation of section 2905.04 1535
of the Revised Code as it existed prior to July 1, 1996, had the 1536
violation been committed prior to that date, a violation of 1537
section 2925.11 of the Revised Code that is not a minor drug 1538
possession offense, a violation of section 2923.02 or 2923.03 of 1539
the Revised Code that relates to a crime specified in this 1540
division, or a second violation of section 4511.19 of the 1541
Revised Code within five years of the date of application for 1542
licensure or certification. 1543

(b) A violation of an existing or former law of this 1544
state, any other state, or the United States that is 1545
substantially equivalent to any of the offenses or violations 1546
described in division (A) (5) (a) of this section. 1547

(6) Upon receipt of a request pursuant to section 5153.111 1548
of the Revised Code, a completed form prescribed pursuant to 1549
division (C) (1) of this section, and a set of fingerprint 1550
impressions obtained in the manner described in division (C) (2) 1551

of this section, the superintendent of the bureau of criminal 1552
identification and investigation shall conduct a criminal 1553
records check in the manner described in division (B) of this 1554
section to determine whether any information exists that 1555
indicates that the person who is the subject of the request 1556
previously has been convicted of or pleaded guilty to any of the 1557
following: 1558

(a) A violation of section 2903.01, 2903.02, 2903.03, 1559
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1560
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 1561
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 1562
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 1563
2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 1564
2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 1565
2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised 1566
Code, felonious sexual penetration in violation of former 1567
section 2907.12 of the Revised Code, a violation of section 1568
2905.04 of the Revised Code as it existed prior to July 1, 1996, 1569
a violation of section 2919.23 of the Revised Code that would 1570
have been a violation of section 2905.04 of the Revised Code as 1571
it existed prior to July 1, 1996, had the violation been 1572
committed prior to that date, or a violation of section 2925.11 1573
of the Revised Code that is not a minor drug possession offense; 1574

(b) A violation of an existing or former law of this 1575
state, any other state, or the United States that is 1576
substantially equivalent to any of the offenses listed in 1577
division (A) (6) (a) of this section. 1578

(7) On receipt of a request for a criminal records check 1579
from an individual pursuant to section 4749.03 or 4749.06 of the 1580
Revised Code, accompanied by a completed copy of the form 1581

prescribed in division (C) (1) of this section and a set of 1582
fingerprint impressions obtained in a manner described in 1583
division (C) (2) of this section, the superintendent of the 1584
bureau of criminal identification and investigation shall 1585
conduct a criminal records check in the manner described in 1586
division (B) of this section to determine whether any 1587
information exists indicating that the person who is the subject 1588
of the request has been convicted of or pleaded guilty to any 1589
criminal offense in this state or in any other state. If the 1590
individual indicates that a firearm will be carried in the 1591
course of business, the superintendent shall require information 1592
from the federal bureau of investigation as described in 1593
division (B) (2) of this section. Subject to division (F) of this 1594
section, the superintendent shall report the findings of the 1595
criminal records check and any information the federal bureau of 1596
investigation provides to the director of public safety. 1597

(8) On receipt of a request pursuant to section 1321.37, 1598
1321.53, or 4763.05 of the Revised Code, a completed form 1599
prescribed pursuant to division (C) (1) of this section, and a 1600
set of fingerprint impressions obtained in the manner described 1601
in division (C) (2) of this section, the superintendent of the 1602
bureau of criminal identification and investigation shall 1603
conduct a criminal records check with respect to any person who 1604
has applied for a license, permit, or certification from the 1605
department of commerce or a division in the department. The 1606
superintendent shall conduct the criminal records check in the 1607
manner described in division (B) of this section to determine 1608
whether any information exists that indicates that the person 1609
who is the subject of the request previously has been convicted 1610
of or pleaded guilty to any criminal offense in this state, any 1611
other state, or the United States. 1612

(9) On receipt of a request for a criminal records check 1613
from the treasurer of state under section 113.041 of the Revised 1614
Code or from an individual under section 928.03, 4701.08, 1615
4715.101, 4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 1616
4729.90, 4729.92, 4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 1617
4731.171, 4731.222, 4731.281, 4731.531, 4732.091, 4734.202, 1618
4740.061, 4741.10, 4747.051, 4751.20, 4751.201, 4751.202, 1619
4751.21, 4753.061, 4755.70, 4757.101, 4759.061, 4760.032, 1620
4760.06, 4761.051, 4762.031, 4762.06, 4774.031, 4774.06, 1621
4776.021, 4778.04, 4778.07, 4779.091, or 4783.04 of the Revised 1622
Code, accompanied by a completed form prescribed under division 1623
(C) (1) of this section and a set of fingerprint impressions 1624
obtained in the manner described in division (C) (2) of this 1625
section, the superintendent of the bureau of criminal 1626
identification and investigation shall conduct a criminal 1627
records check in the manner described in division (B) of this 1628
section to determine whether any information exists that 1629
indicates that the person who is the subject of the request has 1630
been convicted of or pleaded guilty to any criminal offense in 1631
this state or any other state. Subject to division (F) of this 1632
section, the superintendent shall send the results of a check 1633
requested under section 113.041 of the Revised Code to the 1634
treasurer of state and shall send the results of a check 1635
requested under any of the other listed sections to the 1636
licensing board specified by the individual in the request. 1637

(10) On receipt of a request pursuant to section 124.74, 1638
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 1639
Code, a completed form prescribed pursuant to division (C) (1) of 1640
this section, and a set of fingerprint impressions obtained in 1641
the manner described in division (C) (2) of this section, the 1642
superintendent of the bureau of criminal identification and 1643

investigation shall conduct a criminal records check in the 1644
manner described in division (B) of this section to determine 1645
whether any information exists that indicates that the person 1646
who is the subject of the request previously has been convicted 1647
of or pleaded guilty to any criminal offense under any existing 1648
or former law of this state, any other state, or the United 1649
States. 1650

(11) On receipt of a request for a criminal records check 1651
from an appointing or licensing authority under section 3772.07 1652
of the Revised Code, a completed form prescribed under division 1653
(C)(1) of this section, and a set of fingerprint impressions 1654
obtained in the manner prescribed in division (C)(2) of this 1655
section, the superintendent of the bureau of criminal 1656
identification and investigation shall conduct a criminal 1657
records check in the manner described in division (B) of this 1658
section to determine whether any information exists that 1659
indicates that the person who is the subject of the request 1660
previously has been convicted of or pleaded guilty or no contest 1661
to any offense under any existing or former law of this state, 1662
any other state, or the United States that makes the person 1663
ineligible for appointment or retention under section 3772.07 of 1664
the Revised Code or that is a disqualifying offense as defined 1665
in that section or substantially equivalent to a disqualifying 1666
offense, as applicable. 1667

(12) On receipt of a request pursuant to section 2151.33 1668
or 2151.412 of the Revised Code, a completed form prescribed 1669
pursuant to division (C)(1) of this section, and a set of 1670
fingerprint impressions obtained in the manner described in 1671
division (C)(2) of this section, the superintendent of the 1672
bureau of criminal identification and investigation shall 1673
conduct a criminal records check with respect to any person for 1674

whom a criminal records check is required under that section. 1675
The superintendent shall conduct the criminal records check in 1676
the manner described in division (B) of this section to 1677
determine whether any information exists that indicates that the 1678
person who is the subject of the request previously has been 1679
convicted of or pleaded guilty to any of the following: 1680

(a) A violation of section 2903.01, 2903.02, 2903.03, 1681
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 1682
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 1683
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 1684
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 1685
2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 1686
2913.21, 2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 1687
2921.36, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 1688
2925.13, 2925.22, 2925.23, or 3716.11 of the Revised Code; 1689

(b) An existing or former law of this state, any other 1690
state, or the United States that is substantially equivalent to 1691
any of the offenses listed in division (A)(12)(a) of this 1692
section. 1693

(13) On receipt of a request pursuant to section 3796.12 1694
of the Revised Code, a completed form prescribed pursuant to 1695
division (C)(1) of this section, and a set of fingerprint 1696
impressions obtained in a manner described in division (C)(2) of 1697
this section, the superintendent of the bureau of criminal 1698
identification and investigation shall conduct a criminal 1699
records check in the manner described in division (B) of this 1700
section to determine whether any information exists that 1701
indicates that the person who is the subject of the request 1702
previously has been convicted of or pleaded guilty to the 1703
following: 1704

(a) A disqualifying offense as specified in rules adopted 1705
under section 9.79 and division (B) (2) (b) of section 3796.03 of 1706
the Revised Code if the person who is the subject of the request 1707
is an administrator or other person responsible for the daily 1708
operation of, or an owner or prospective owner, officer or 1709
prospective officer, or board member or prospective board member 1710
of, an entity seeking a license from the department of commerce 1711
under Chapter 3796. of the Revised Code; 1712

(b) A disqualifying offense as specified in rules adopted 1713
under section 9.79 and division (B) (2) (b) of section 3796.04 of 1714
the Revised Code if the person who is the subject of the request 1715
is an administrator or other person responsible for the daily 1716
operation of, or an owner or prospective owner, officer or 1717
prospective officer, or board member or prospective board member 1718
of, an entity seeking a license from the state board of pharmacy 1719
under Chapter 3796. of the Revised Code. 1720

(14) On receipt of a request required by section 3796.13 1721
of the Revised Code, a completed form prescribed pursuant to 1722
division (C) (1) of this section, and a set of fingerprint 1723
impressions obtained in a manner described in division (C) (2) of 1724
this section, the superintendent of the bureau of criminal 1725
identification and investigation shall conduct a criminal 1726
records check in the manner described in division (B) of this 1727
section to determine whether any information exists that 1728
indicates that the person who is the subject of the request 1729
previously has been convicted of or pleaded guilty to the 1730
following: 1731

(a) A disqualifying offense as specified in rules adopted 1732
under division (B) (8) (a) of section 3796.03 of the Revised Code 1733
if the person who is the subject of the request is seeking 1734

employment with an entity licensed by the department of commerce 1735
under Chapter 3796. of the Revised Code; 1736

(b) A disqualifying offense as specified in rules adopted 1737
under division (B)(14)(a) of section 3796.04 of the Revised Code 1738
if the person who is the subject of the request is seeking 1739
employment with an entity licensed by the state board of 1740
pharmacy under Chapter 3796. of the Revised Code. 1741

(15) On receipt of a request pursuant to section 4768.06 1742
of the Revised Code, a completed form prescribed under division 1743
(C)(1) of this section, and a set of fingerprint impressions 1744
obtained in the manner described in division (C)(2) of this 1745
section, the superintendent of the bureau of criminal 1746
identification and investigation shall conduct a criminal 1747
records check in the manner described in division (B) of this 1748
section to determine whether any information exists indicating 1749
that the person who is the subject of the request has been 1750
convicted of or pleaded guilty to any criminal offense in this 1751
state or in any other state. 1752

(16) On receipt of a request pursuant to division (B) of 1753
section 4764.07 or division (A) of section 4735.143 of the 1754
Revised Code, a completed form prescribed under division (C)(1) 1755
of this section, and a set of fingerprint impressions obtained 1756
in the manner described in division (C)(2) of this section, the 1757
superintendent of the bureau of criminal identification and 1758
investigation shall conduct a criminal records check in the 1759
manner described in division (B) of this section to determine 1760
whether any information exists indicating that the person who is 1761
the subject of the request has been convicted of or pleaded 1762
guilty to any criminal offense in any state or the United 1763
States. 1764

(17) On receipt of a request for a criminal records check 1765
under section 147.022 of the Revised Code, a completed form 1766
prescribed under division (C)(1) of this section, and a set of 1767
fingerprint impressions obtained in the manner prescribed in 1768
division (C)(2) of this section, the superintendent of the 1769
bureau of criminal identification and investigation shall 1770
conduct a criminal records check in the manner described in 1771
division (B) of this section to determine whether any 1772
information exists that indicates that the person who is the 1773
subject of the request previously has been convicted of or 1774
pleaded guilty or no contest to any criminal offense under any 1775
existing or former law of this state, any other state, or the 1776
United States. 1777

(18) Upon receipt of a request pursuant to division (F) of 1778
section 2915.081 or division (E) of section 2915.082 of the 1779
Revised Code, a completed form prescribed under division (C)(1) 1780
of this section, and a set of fingerprint impressions obtained 1781
in the manner described in division (C)(2) of this section, the 1782
superintendent of the bureau of criminal identification and 1783
investigation shall conduct a criminal records check in the 1784
manner described in division (B) of this section to determine 1785
whether any information exists indicating that the person who is 1786
the subject of the request has been convicted of or pleaded 1787
guilty or no contest to any offense that is a violation of 1788
Chapter 2915. of the Revised Code or to any offense under any 1789
existing or former law of this state, any other state, or the 1790
United States that is substantially equivalent to such an 1791
offense. 1792

(19) On receipt of a request pursuant to section 3775.03 1793
of the Revised Code, a completed form prescribed under division 1794
(C)(1) of this section, and a set of fingerprint impressions 1795

obtained in the manner described in division (C) (2) of this 1796
section, the superintendent of the bureau of criminal 1797
identification and investigation shall conduct a criminal 1798
records check in the manner described in division (B) of this 1799
section and shall request information from the federal bureau of 1800
investigation to determine whether any information exists 1801
indicating that the person who is the subject of the request has 1802
been convicted of any offense under any existing or former law 1803
of this state, any other state, or the United States that is a 1804
disqualifying offense as defined in section 3772.07 of the 1805
Revised Code. 1806

(B) Subject to division (F) of this section, the 1807
superintendent shall conduct any criminal records check to be 1808
conducted under this section as follows: 1809

(1) The superintendent shall review or cause to be 1810
reviewed any relevant information gathered and compiled by the 1811
bureau under division (A) of section 109.57 of the Revised Code 1812
that relates to the person who is the subject of the criminal 1813
records check, including, if the criminal records check was 1814
requested under section 113.041, 121.08, 124.74, 173.27, 173.38, 1815
173.381, 718.131, 928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1816
1733.47, 1761.26, 2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 1817
3712.09, 3721.121, 3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 1818
4729.53, 4729.90, 4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 1819
4768.06, 5104.013, 5164.34, 5164.341, 5164.342, 5123.081, 1820
5123.169, or 5153.111 of the Revised Code, any relevant 1821
information contained in records that have been sealed under 1822
section 2953.32 of the Revised Code; 1823

(2) If the request received by the superintendent asks for 1824
information from the federal bureau of investigation, the 1825

superintendent shall request from the federal bureau of 1826
investigation any information it has with respect to the person 1827
who is the subject of the criminal records check, including 1828
fingerprint-based checks of national crime information databases 1829
as described in 42 U.S.C. 671 if the request is made pursuant to 1830
section 2151.86 or 5104.013 of the Revised Code or if any other 1831
Revised Code section requires fingerprint-based checks of that 1832
nature, and shall review or cause to be reviewed any information 1833
the superintendent receives from that bureau. If a request under 1834
section 3319.39 of the Revised Code asks only for information 1835
from the federal bureau of investigation, the superintendent 1836
shall not conduct the review prescribed by division (B) (1) of 1837
this section. 1838

(3) The superintendent or the superintendent's designee 1839
may request criminal history records from other states or the 1840
federal government pursuant to the national crime prevention and 1841
privacy compact set forth in section 109.571 of the Revised 1842
Code. 1843

(4) The superintendent shall include in the results of the 1844
criminal records check a list or description of the offenses 1845
listed or described in the relevant provision of division (A) of 1846
this section. The superintendent shall exclude from the results 1847
any information the dissemination of which is prohibited by 1848
federal law. 1849

(5) The superintendent shall send the results of the 1850
criminal records check to the person to whom it is to be sent 1851
not later than the following number of days after the date the 1852
superintendent receives the request for the criminal records 1853
check, the completed form prescribed under division (C) (1) of 1854
this section, and the set of fingerprint impressions obtained in 1855

the manner described in division (C) (2) of this section: 1856

(a) If the superintendent is required by division (A) of 1857
this section (other than division (A) (3) of this section) to 1858
conduct the criminal records check, thirty; 1859

(b) If the superintendent is required by division (A) (3) 1860
of this section to conduct the criminal records check, sixty. 1861

(C) (1) The superintendent shall prescribe a form to obtain 1862
the information necessary to conduct a criminal records check 1863
from any person for whom a criminal records check is to be 1864
conducted under this section. The form that the superintendent 1865
prescribes pursuant to this division may be in a tangible 1866
format, in an electronic format, or in both tangible and 1867
electronic formats. 1868

(2) The superintendent shall prescribe standard impression 1869
sheets to obtain the fingerprint impressions of any person for 1870
whom a criminal records check is to be conducted under this 1871
section. Any person for whom a records check is to be conducted 1872
under this section shall obtain the fingerprint impressions at a 1873
county sheriff's office, municipal police department, or any 1874
other entity with the ability to make fingerprint impressions on 1875
the standard impression sheets prescribed by the superintendent. 1876
The office, department, or entity may charge the person a 1877
reasonable fee for making the impressions. The standard 1878
impression sheets the superintendent prescribes pursuant to this 1879
division may be in a tangible format, in an electronic format, 1880
or in both tangible and electronic formats. 1881

(3) Subject to division (D) of this section, the 1882
superintendent shall prescribe and charge a reasonable fee for 1883
providing a criminal records check under this section. The 1884

person requesting the criminal records check shall pay the fee 1885
prescribed pursuant to this division. In the case of a request 1886
under section 1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1887
1761.26, 2151.33, 2151.412, or 5164.34 of the Revised Code, the 1888
fee shall be paid in the manner specified in that section. 1889

(4) The superintendent of the bureau of criminal 1890
identification and investigation may prescribe methods of 1891
forwarding fingerprint impressions and information necessary to 1892
conduct a criminal records check, which methods shall include, 1893
but not be limited to, an electronic method. 1894

(D) The results of a criminal records check conducted 1895
under this section, other than a criminal records check 1896
specified in division (A) (7) of this section, are valid for the 1897
person who is the subject of the criminal records check for a 1898
period of one year from the date upon which the superintendent 1899
completes the criminal records check. If during that period the 1900
superintendent receives another request for a criminal records 1901
check to be conducted under this section for that person, the 1902
superintendent shall provide the results from the previous 1903
criminal records check of the person at a lower fee than the fee 1904
prescribed for the initial criminal records check. 1905

(E) When the superintendent receives a request for 1906
information from a registered private provider, the 1907
superintendent shall proceed as if the request was received from 1908
a school district board of education under section 3319.39 of 1909
the Revised Code. The superintendent shall apply division (A) (1) 1910
(c) of this section to any such request for an applicant who is 1911
a teacher. 1912

(F) (1) Subject to division (F) (2) of this section, all 1913
information regarding the results of a criminal records check 1914

conducted under this section that the superintendent reports or 1915
sends under division (A) (7) or (9) of this section to the 1916
director of public safety, the treasurer of state, or the 1917
person, board, or entity that made the request for the criminal 1918
records check shall relate to the conviction of the subject 1919
person, or the subject person's plea of guilty to, a criminal 1920
offense. 1921

(2) Division (F) (1) of this section does not limit, 1922
restrict, or preclude the superintendent's release of 1923
information that relates to the arrest of a person who is 1924
eighteen years of age or older, to an adjudication of a child as 1925
a delinquent child, or to a criminal conviction of a person 1926
under eighteen years of age in circumstances in which a release 1927
of that nature is authorized under division (E) (2), (3), or (4) 1928
of section 109.57 of the Revised Code pursuant to a rule adopted 1929
under division (E) (1) of that section. 1930

(G) As used in this section: 1931

(1) "Criminal records check" means any criminal records 1932
check conducted by the superintendent of the bureau of criminal 1933
identification and investigation in accordance with division (B) 1934
of this section. 1935

(2) "Minor drug possession offense" has the same meaning 1936
as in section 2925.01 of the Revised Code. 1937

(3) "OVI or OVUAC violation" means a violation of section 1938
4511.19 of the Revised Code or a violation of an existing or 1939
former law of this state, any other state, or the United States 1940
that is substantially equivalent to section 4511.19 of the 1941
Revised Code. 1942

(4) "Registered private provider" means a nonpublic school 1943

or entity registered with the ~~superintendent of public~~ 1944
~~instruction department of education and workforce~~ under section 1945
3310.41 of the Revised Code to participate in the autism 1946
scholarship program or section 3310.58 of the Revised Code to 1947
participate in the Jon Peterson special needs scholarship 1948
program. 1949

Sec. 109.64. The bureau of criminal identification and 1950
investigation shall prepare a periodic information bulletin 1951
concerning missing children whom it determines may be present in 1952
this state. The bureau shall compile the bulletin from 1953
information contained in the national crime information center 1954
computer. The bulletin shall indicate the names and addresses of 1955
these minors who are the subject of missing children cases and 1956
other information that the superintendent of the bureau 1957
considers appropriate. The bulletin shall contain a reminder to 1958
law enforcement agencies of their responsibilities under section 1959
2901.30 of the Revised Code. 1960

The bureau shall send a copy of each periodic information 1961
bulletin to the missing children clearinghouse established under 1962
section 109.65 of the Revised Code for use in connection with 1963
its responsibilities under division (E) of that section. Upon 1964
receipt of each periodic information bulletin from the bureau, 1965
the missing children clearinghouse shall send a copy of the 1966
bulletin to each sheriff, marshal, police department of a 1967
municipal corporation, police force of a township police 1968
district or joint police district, and township constable in 1969
this state, to the board of education of each school district in 1970
this state, and to each nonpublic school in this state. The 1971
bureau shall provide a copy of the bulletin, upon request, to 1972
other persons or entities. The superintendent of the bureau, 1973
with the approval of the attorney general, may establish a 1974

reasonable fee for a copy of a bulletin provided to persons or 1975
entities other than law enforcement agencies in this or other 1976
states or of the federal government, the department of education 1977
and workforce, governmental entities of this state, and 1978
libraries in this state. The superintendent shall deposit all 1979
such fees collected into the missing children fund created by 1980
section 109.65 of the Revised Code. 1981

As used in this section, "missing children," 1982
"information," and "minor" have the same meanings as in section 1983
2901.30 of the Revised Code. 1984

Sec. 109.65. (A) As used in this section, "minor," 1985
"missing child," and "missing children" have the same meanings 1986
as in section 2901.30 of the Revised Code. 1987

(B) There is hereby created within the office of the 1988
attorney general the missing children clearinghouse. The 1989
attorney general shall administer the clearinghouse. The 1990
clearinghouse is established as a central repository of 1991
information to coordinate and improve the availability of 1992
information regarding missing children, which information shall 1993
be collected and disseminated by the clearinghouse to assist in 1994
the location of missing children. The clearinghouse shall act as 1995
an information repository separate from and in addition to law 1996
enforcement agencies within this state. 1997

(C) The missing children clearinghouse may perform any of 1998
the following functions: 1999

(1) The establishment of services to aid in the location 2000
of missing children that include, but are not limited to, any of 2001
the following services: 2002

(a) Assistance in the preparation and dissemination of 2003

flyers identifying and describing missing children and their abductors;	2004 2005
(b) The development of informational forms for the reporting of missing children that may be used by parents, guardians, and law enforcement officials to facilitate the location of a missing child;	2006 2007 2008 2009
(c) The provision of assistance to public and private organizations, boards of education, nonpublic schools, preschools, child care facilities, and law enforcement agencies in planning and implementing voluntary programs to fingerprint children.	2010 2011 2012 2013 2014
(2) The establishment and operation of a toll-free telephone line for supplemental reports of missing children and reports of sightings of missing children;	2015 2016 2017
(3) Upon the request of any person or entity and upon payment of any applicable fee established by the attorney general under division (H) of this section, the provision to the person or entity who makes the request of a copy of any information possessed by the clearinghouse that was acquired or prepared pursuant to division (E) (3) of this section;	2018 2019 2020 2021 2022 2023
(4) The performance of liaison services between individuals and public and private agencies regarding procedures for handling and responding to missing children reports;	2024 2025 2026
(5) The participation as a member in any networks of other missing children centers or clearinghouses;	2027 2028
(6) The creation and operation of an intrastate network of communication designed for the speedy collection and processing of information concerning missing children.	2029 2030 2031

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

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

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

Upon the request of any board of education in this state or any nonpublic school in this state that, pursuant to section 3313.96 of the Revised Code, is developing an information program concerning missing children issues and matters, the

missing child educational program shall provide to the board or 2062
nonpublic school assistance in developing the information 2063
program. The assistance may include, but is not limited to, the 2064
provision of any or all of the following: 2065

(a) If the requesting entity is a board of education of a 2066
school district, sample policies on missing and exploited 2067
children issues to assist the board in complying with section 2068
3313.205 of the Revised Code; 2069

(b) Suggested safety curricula regarding missing children 2070
issues, including child safety and abduction prevention issues; 2071

(c) Assistance in developing, with local law enforcement 2072
agencies, prosecuting attorneys, boards of education, school 2073
districts, and nonpublic schools, cooperative programs for 2074
fingerprinting children; 2075

(d) Other assistance to further the goals of the program. 2076

(3) The missing child educational program shall acquire or 2077
prepare informational materials relating to missing children 2078
issues and matters. These issues and matters include, but are 2079
not limited to, the following: 2080

(a) The types of missing children; 2081

(b) The reasons why and how minors become missing 2082
children, the potential adverse consequences of a minor becoming 2083
a missing child, and, in the case of minors who are considering 2084
running away from home or from the care, custody, and control of 2085
their parents, parent who is the residential parent and legal 2086
custodian, guardian, legal custodian, or another person 2087
responsible for them, alternatives that may be available to 2088
address their concerns and problems; 2089

(c) Offenses under federal law that could relate to	2090
missing children and other provisions of federal law that focus	2091
on missing children;	2092
(d) Offenses under the Revised Code that could relate to	2093
missing children, including, but not limited to, kidnapping,	2094
abduction, unlawful restraint, child stealing, interference with	2095
custody, endangering children, domestic violence, abuse of a	2096
child and contributing to the dependency, neglect, unruliness,	2097
or delinquency of a child, sexual offenses, drug offenses,	2098
prostitution offenses, and obscenity offenses, and other	2099
provisions of the Revised Code that could relate to missing	2100
children;	2101
(e) Legislation being considered by the general assembly,	2102
legislatures of other states, the congress of the United States,	2103
and political subdivisions in this or any other state to address	2104
missing children issues;	2105
(f) Sources of information on missing children issues;	2106
(g) State, local, federal, and private systems for	2107
locating and identifying missing children;	2108
(h) Law enforcement agency programs, responsibilities, and	2109
investigative techniques in missing children matters;	2110
(i) Efforts on the community level in this and other	2111
states, concerning missing children issues and matters, by	2112
governmental entities and private organizations;	2113
(j) The identification of private organizations that,	2114
among their primary objectives, address missing children issues	2115
and matters;	2116
(k) How to avoid becoming a missing child and what to do	2117

if one becomes a missing child; 2118

(1) Efforts that schools, parents, and members of a 2119
community can undertake to reduce the risk that a minor will 2120
become a missing child and to quickly locate or identify a minor 2121
if he becomes a missing child, including, but not limited to, 2122
fingerprinting programs. 2123

(F) Each year the missing children clearinghouse shall 2124
issue a report describing its performance of the functions 2125
specified in division (E) of this section and shall provide a 2126
copy of the report to the speaker of the house of 2127
representatives, the president of the senate, the governor, the 2128
superintendent of the bureau of criminal identification and 2129
investigation, and the director of job and family services. 2130

(G) Any state agency or political subdivision of this 2131
state that operates a missing children program or a 2132
clearinghouse for information about missing children shall 2133
coordinate its activities with the missing children 2134
clearinghouse. 2135

(H) The attorney general shall determine a reasonable fee 2136
to be charged for providing to any person or entity other than a 2137
state or local law enforcement agency of this or any other 2138
state, a law enforcement agency of the United States, a board of 2139
education of a school district in this state, a nonpublic school 2140
in this state, a governmental entity in this state, or a public 2141
library in this state, pursuant to division (A) (3) of this 2142
section, copies of any information acquired or prepared pursuant 2143
to division (E) (3) of this section. The attorney general shall 2144
collect the fee prior to sending or giving copies of any 2145
information to any person or entity for whom or which this 2146
division requires the fee to be charged and shall deposit the 2147

fee into the missing children fund created by division (I) of 2148
this section. 2149

(I) There is hereby created in the state treasury the 2150
missing children fund that shall consist of all moneys awarded 2151
to the state by donation, gift, or bequest, all other moneys 2152
received for purposes of this section, and all fees collected 2153
pursuant to this section or section 109.64 of the Revised Code. 2154
The attorney general shall use the moneys in the missing 2155
children fund only for purposes of the office of the attorney 2156
general acquiring or preparing information pursuant to division 2157
(E) (3) of this section. 2158

(J) The failure of the missing children clearinghouse to 2159
undertake any function or activity authorized in this section 2160
does not create a cause of action against the state. 2161

Sec. 109.71. There is hereby created in the office of the 2162
attorney general the Ohio peace officer training commission. The 2163
commission shall consist of ten members appointed by the 2164
governor with the advice and consent of the senate and selected 2165
as follows: one member representing the public; one member who 2166
represents a fraternal organization representing law enforcement 2167
officers; two members who are incumbent sheriffs; two members 2168
who are incumbent chiefs of police; one member from the bureau 2169
of criminal identification and investigation; one member from 2170
the state highway patrol; one member who is the special agent in 2171
charge of a field office of the federal bureau of investigation 2172
in this state; and one member from the department of education_ 2173
and workforce, trade and industrial education services, law 2174
enforcement training. 2175

This section does not confer any arrest authority or any 2176
ability or authority to detain a person, write or issue any 2177

citation, or provide any disposition alternative, as granted 2178
under Chapter 2935. of the Revised Code. 2179

Pursuant to division (A) (9) of section 101.82 of the 2180
Revised Code, the commission is exempt from the requirements of 2181
sections 101.82 to 101.87 of the Revised Code. 2182

As used in sections 109.71 to 109.801 of the Revised Code: 2183

(A) "Peace officer" means: 2184

(1) A deputy sheriff, marshal, deputy marshal, member of 2185
the organized police department of a township or municipal 2186
corporation, member of a township police district or joint 2187
police district police force, member of a police force employed 2188
by a metropolitan housing authority under division (D) of 2189
section 3735.31 of the Revised Code, or township constable, who 2190
is commissioned and employed as a peace officer by a political 2191
subdivision of this state or by a metropolitan housing 2192
authority, and whose primary duties are to preserve the peace, 2193
to protect life and property, and to enforce the laws of this 2194
state, ordinances of a municipal corporation, resolutions of a 2195
township, or regulations of a board of county commissioners or 2196
board of township trustees, or any of those laws, ordinances, 2197
resolutions, or regulations; 2198

(2) A police officer who is employed by a railroad company 2199
and appointed and commissioned by the secretary of state 2200
pursuant to sections 4973.17 to 4973.22 of the Revised Code; 2201

(3) Employees of the department of taxation engaged in the 2202
enforcement of Chapter 5743. of the Revised Code and designated 2203
by the tax commissioner for peace officer training for purposes 2204
of the delegation of investigation powers under section 5743.45 2205
of the Revised Code; 2206

(4) An undercover drug agent;	2207
(5) Enforcement agents of the department of public safety	2208
whom the director of public safety designates under section	2209
5502.14 of the Revised Code;	2210
(6) An employee of the department of natural resources who	2211
is a natural resources law enforcement staff officer designated	2212
pursuant to section 1501.013, a natural resources officer	2213
appointed pursuant to section 1501.24, a forest-fire	2214
investigator appointed pursuant to section 1503.09, or a	2215
wildlife officer designated pursuant to section 1531.13 of the	2216
Revised Code;	2217
(7) An employee of a park district who is designated	2218
pursuant to section 511.232 or 1545.13 of the Revised Code;	2219
(8) An employee of a conservancy district who is	2220
designated pursuant to section 6101.75 of the Revised Code;	2221
(9) A police officer who is employed by a hospital that	2222
employs and maintains its own proprietary police department or	2223
security department, and who is appointed and commissioned by	2224
the secretary of state pursuant to sections 4973.17 to 4973.22	2225
of the Revised Code;	2226
(10) Veterans' homes police officers designated under	2227
section 5907.02 of the Revised Code;	2228
(11) A police officer who is employed by a qualified	2229
nonprofit corporation police department pursuant to section	2230
1702.80 of the Revised Code;	2231
(12) A state university law enforcement officer appointed	2232
under section 3345.04 of the Revised Code or a person serving as	2233
a state university law enforcement officer on a permanent basis	2234

on June 19, 1978, who has been awarded a certificate by the 2235
executive director of the Ohio peace officer training commission 2236
attesting to the person's satisfactory completion of an approved 2237
state, county, municipal, or department of natural resources 2238
peace officer basic training program; 2239

(13) A special police officer employed by the department 2240
of mental health and addiction services pursuant to section 2241
5119.08 of the Revised Code or the department of developmental 2242
disabilities pursuant to section 5123.13 of the Revised Code; 2243

(14) A member of a campus police department appointed 2244
under section 1713.50 of the Revised Code; 2245

(15) A member of a police force employed by a regional 2246
transit authority under division (Y) of section 306.35 of the 2247
Revised Code; 2248

(16) Investigators appointed by the auditor of state 2249
pursuant to section 117.091 of the Revised Code and engaged in 2250
the enforcement of Chapter 117. of the Revised Code; 2251

(17) A special police officer designated by the 2252
superintendent of the state highway patrol pursuant to section 2253
5503.09 of the Revised Code or a person who was serving as a 2254
special police officer pursuant to that section on a permanent 2255
basis on October 21, 1997, and who has been awarded a 2256
certificate by the executive director of the Ohio peace officer 2257
training commission attesting to the person's satisfactory 2258
completion of an approved state, county, municipal, or 2259
department of natural resources peace officer basic training 2260
program; 2261

(18) A special police officer employed by a port authority 2262
under section 4582.04 or 4582.28 of the Revised Code or a person 2263

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serving as a special police officer employed by a port authority
on a permanent basis on May 17, 2000, who has been awarded a
certificate by the executive director of the Ohio peace officer
training commission attesting to the person's satisfactory
completion of an approved state, county, municipal, or
department of natural resources peace officer basic training
program;

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

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(20) A police officer who is employed by an owner or
operator of an amusement park that has an average yearly
attendance in excess of six hundred thousand guests and that
employs and maintains its own proprietary police department or
security department, and who is appointed and commissioned by a
judge of the appropriate municipal court or county court
pursuant to section 4973.17 of the Revised Code;

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(21) A police officer who is employed by a bank, savings
and loan association, savings bank, credit union, or association

of banks, savings and loan associations, savings banks, or 2294
credit unions, who has been appointed and commissioned by the 2295
secretary of state pursuant to sections 4973.17 to 4973.22 of 2296
the Revised Code, and who has been awarded a certificate by the 2297
executive director of the Ohio peace officer training commission 2298
attesting to the person's satisfactory completion of a state, 2299
county, municipal, or department of natural resources peace 2300
officer basic training program; 2301

(22) An investigator, as defined in section 109.541 of the 2302
Revised Code, of the bureau of criminal identification and 2303
investigation who is commissioned by the superintendent of the 2304
bureau as a special agent for the purpose of assisting law 2305
enforcement officers or providing emergency assistance to peace 2306
officers pursuant to authority granted under that section; 2307

(23) A state fire marshal law enforcement officer 2308
appointed under section 3737.22 of the Revised Code or a person 2309
serving as a state fire marshal law enforcement officer on a 2310
permanent basis on or after July 1, 1982, who has been awarded a 2311
certificate by the executive director of the Ohio peace officer 2312
training commission attesting to the person's satisfactory 2313
completion of an approved state, county, municipal, or 2314
department of natural resources peace officer basic training 2315
program; 2316

(24) A gaming agent employed under section 3772.03 of the 2317
Revised Code; 2318

(25) An employee of the state board of pharmacy designated 2319
by the executive director of the board pursuant to section 2320
4729.04 of the Revised Code to investigate violations of 2321
Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the 2322
Revised Code and rules adopted thereunder. 2323

(B) "Undercover drug agent" has the same meaning as in	2324
division (B)(2) of section 109.79 of the Revised Code.	2325
(C) "Crisis intervention training" means training in the	2326
use of interpersonal and communication skills to most	2327
effectively and sensitively interview victims of rape.	2328
(D) "Missing children" has the same meaning as in section	2329
2901.30 of the Revised Code.	2330
(E) "Tactical medical professional" means an EMT, EMT-	2331
basic, AEMT, EMT-I, paramedic, nurse, or physician who is	2332
trained and certified in a nationally recognized tactical	2333
medical training program that is equivalent to "tactical combat	2334
casualty care" (TCCC) and "tactical emergency medical support"	2335
(TEMS) and who functions in the tactical or austere environment	2336
while attached to a law enforcement agency of either this state	2337
or a political subdivision of this state.	2338
(F) "EMT-basic," "EMT-I," and "paramedic" have the same	2339
meanings as in section 4765.01 of the Revised Code and "EMT" and	2340
"AEMT" have the same meanings as in section 4765.011 of the	2341
Revised Code.	2342
(G) "Nurse" means any of the following:	2343
(1) Any person who is licensed to practice nursing as a	2344
registered nurse by the board of nursing;	2345
(2) Any certified nurse practitioner, clinical nurse	2346
specialist, certified registered nurse anesthetist, or certified	2347
nurse-midwife who holds a certificate of authority issued by the	2348
board of nursing under Chapter 4723. of the Revised Code;	2349
(3) Any person who is licensed to practice nursing as a	2350
licensed practical nurse by the board of nursing pursuant to	2351

Chapter 4723. of the Revised Code. 2352

(H) "Physician" means a person who is licensed pursuant to 2353
Chapter 4731. of the Revised Code to practice medicine and 2354
surgery or osteopathic medicine and surgery. 2355

Sec. 109.72. Ohio peace officer training commission member 2356
terms shall be for three years, commencing on the twentieth day 2357
of September and ending on the nineteenth day of September. Each 2358
member shall hold office from the date of appointment until the 2359
end of the term to which the member was appointed. Any member 2360
appointed to fill a vacancy occurring prior to the expiration of 2361
the term for which the member's predecessor was appointed shall 2362
hold office for the remainder of such term. Any member shall 2363
continue in office subsequent to the expiration date of the 2364
member's term until the member's successor takes office, or 2365
until a period of sixty days has elapsed, whichever occurs 2366
first. An interim chairperson shall be appointed by the governor 2367
until such time as the commission elects a permanent 2368
chairperson. 2369

Any member of the commission appointed pursuant to section 2370
109.71 of the Revised Code as an incumbent sheriff, incumbent 2371
chief of police, representative of the state highway patrol, 2372
state department of education and workforce, federal bureau of 2373
investigation, and bureau of criminal identification and 2374
investigation, shall immediately, upon termination of holding 2375
such office, cease to be a member of the commission, and a 2376
successor shall be appointed. 2377

The commission shall meet at least four times each year. 2378
Special meetings may be called by the chairperson and shall be 2379
called by the chairperson at the request of the attorney general 2380
or upon the written request of five members of the commission. 2381

The commission may establish its own requirements as to quorum 2382
and its own procedures with respect to the conduct of its 2383
meetings and other affairs; provided, that all recommendations 2384
by the commission to the attorney general pursuant to section 2385
109.74 of the Revised Code shall require the affirmative vote of 2386
five members of the commission. 2387

Membership on the commission does not constitute the 2388
holding of an office, and members of the commission shall not be 2389
required to take and file oaths of office before serving on the 2390
commission. The commission shall not exercise any portion of the 2391
sovereign power of the state. 2392

The members of the commission shall receive no 2393
compensation for their services but shall be allowed their 2394
actual and necessary expenses incurred in the performance of 2395
their duties. 2396

No member of the commission shall be disqualified from 2397
holding any public office or employment, nor shall the member 2398
forfeit any such office or employment, by reason of appointment 2399
to the commission, notwithstanding any general, special, or 2400
local law, ordinance, or city charter to the contrary. 2401

Sec. 109.746. (A) The attorney general may prepare public 2402
awareness programs that are designed to educate potential 2403
victims of violations of section 2905.32 of the Revised Code and 2404
their families of the risks of becoming a victim of a violation 2405
of that section. The attorney general may prepare these programs 2406
with assistance from the department of health, the department of 2407
mental health and addiction services, the department of job and 2408
family services, and the department of education and workforce. 2409

(B) Any organization, person, or other governmental agency 2410

with an interest and expertise in trafficking in persons may 2411
submit information or materials to the attorney general 2412
regarding the preparation of the programs and materials 2413
permitted under this section. The attorney general, in 2414
developing the programs and materials permitted by this section, 2415
shall consider any information submitted pursuant to this 2416
division. 2417

Sec. 113.73. (A) The Ohio state and local government 2418
expenditure database shall include the following features: 2419

(1) A searchable database of all expenditures; 2420

(2) The ability to filter expenditures by the following 2421
categories: 2422

(a) The category of expense; 2423

(b) The Ohio administrative knowledge system accounting 2424
code for a specific good or service. 2425

(3) The ability to search and filter by any of the factors 2426
listed in section 113.72 of the Revised Code; 2427

(4) The ability to aggregate data contained in the 2428
database; 2429

(5) The ability to determine the total amount of 2430
expenditures awarded to a supplier by a state entity; 2431

(6) The ability to download information obtained through 2432
the database; 2433

(7) A searchable database of state and school district 2434
employee salary and employment information. 2435

(B) The information required under division (A)(7) of this 2436
section shall be provided by the department of administrative 2437

services or the department of education and workforce, as 2438
applicable. 2439

Sec. 117.46. Each biennium the auditor of state shall 2440
conduct a minimum of four performance audits under this section. 2441
Except as otherwise provided in this section, at least two of 2442
the audits shall be of state agencies selected from a list 2443
comprised of the administrative departments listed in section 2444
121.02 of the Revised Code and the department of education and 2445
workforce and at least two of the audits shall be of other state 2446
agencies. At the auditor of state's discretion, the auditor of 2447
state may also conduct performance audits of state institutions 2448
of higher education. The offices of the attorney general, 2449
auditor of state, governor, secretary of state, and treasurer of 2450
state and agencies of the legislative and judicial branches are 2451
not subject to an audit under this section. 2452

The auditor shall select each agency or institution to be 2453
audited and shall determine whether to audit the entire agency 2454
or institution or a portion of the agency or institution by 2455
auditing one or more programs, offices, boards, councils, or 2456
other entities within that agency or institution. The auditor 2457
shall make the selection and determination in consultation with 2458
the governor and the speaker and minority leader of the house of 2459
representatives and president and minority leader of the senate. 2460

An audit of a portion of an agency or institution shall be 2461
considered an audit of one agency or institution. The authority 2462
to audit a portion of an agency or institution in no way limits 2463
the auditor's ability to audit an entire agency or institution 2464
if it is in the best interest of the state. 2465

The performance audits under this section shall be 2466
conducted pursuant to sections 117.01 and 117.13 of the Revised 2467

Code. In conducting a performance audit, the auditor of state 2468
shall determine the scope of the audit, but shall consider, if 2469
appropriate, supervisory and subordinate level operations in the 2470
agency or institution. A performance audit under this section 2471
shall not include review or evaluation of an institution's 2472
academic performance. 2473

As used in this section and in sections 117.461, 117.462, 2474
117.463, 117.47, 117.471, and 147.472 of the Revised Code, 2475
"state institution of higher education" has the meaning defined 2476
in section 3345.011 of the Revised Code. 2477

Sec. 121.02. The following administrative departments and 2478
their respective directors are hereby created: 2479

(A) The office of budget and management, which shall be 2480
administered by the director of budget and management; 2481

(B) The department of commerce, which shall be 2482
administered by the director of commerce; 2483

(C) The department of administrative services, which shall 2484
be administered by the director of administrative services; 2485

(D) The department of transportation, which shall be 2486
administered by the director of transportation; 2487

(E) The department of agriculture, which shall be 2488
administered by the director of agriculture; 2489

(F) The department of natural resources, which shall be 2490
administered by the director of natural resources; 2491

(G) The department of health, which shall be administered 2492
by the director of health; 2493

(H) The department of job and family services, which shall 2494

be administered by the director of job and family services;	2495
(I) Until July 1, 1997, the department of liquor control,	2496
which shall be administered by the director of liquor control;	2497
(J) The department of public safety, which shall be	2498
administered by the director of public safety;	2499
(K) The department of mental health and addiction	2500
services, which shall be administered by the director of mental	2501
health and addiction services;	2502
(L) The department of developmental disabilities, which	2503
shall be administered by the director of developmental	2504
disabilities;	2505
(M) The department of insurance, which shall be	2506
administered by the superintendent of insurance as director	2507
thereof;	2508
(N) The department of development, which shall be	2509
administered by the director of development;	2510
(O) The department of youth services, which shall be	2511
administered by the director of youth services;	2512
(P) The department of rehabilitation and correction, which	2513
shall be administered by the director of rehabilitation and	2514
correction;	2515
(Q) The environmental protection agency, which shall be	2516
administered by the director of environmental protection;	2517
(R) The department of aging, which shall be administered	2518
by the director of aging;	2519
(S) The department of veterans services, which shall be	2520
administered by the director of veterans services;	2521

(T) The department of medicaid, which shall be administered by the medicaid director;	2522 2523
<u>(U) The department of education and workforce, which shall be administered by the director of education and workforce.</u>	2524 2525
The director of each department shall exercise the powers and perform the duties vested by law in such department.	2526 2527
Sec. 121.03. The following administrative department heads shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices during the term of the appointing governor, and are subject to removal at the pleasure of the governor.	2528 2529 2530 2531 2532
(A) The director of budget and management;	2533
(B) The director of commerce;	2534
(C) The director of transportation;	2535
(D) The director of agriculture;	2536
(E) The director of job and family services;	2537
(F) Until July 1, 1997, the director of liquor control;	2538
(G) The director of public safety;	2539
(H) The superintendent of insurance;	2540
(I) The director of development;	2541
(J) The tax commissioner;	2542
(K) The director of administrative services;	2543
(L) The director of natural resources;	2544
(M) The director of mental health and addiction services;	2545

(N) The director of developmental disabilities;	2546
(O) The director of health;	2547
(P) The director of youth services;	2548
(Q) The director of rehabilitation and correction;	2549
(R) The director of environmental protection;	2550
(S) The director of aging;	2551
(T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;	2552 2553 2554
(U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;	2555 2556 2557
(V) The chancellor of higher education;	2558
(W) The medicaid director;	2559
<u>(X) The director of education and workforce.</u>	2560
Sec. 121.35. (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer:	2561 2562 2563 2564 2565
(1) The department of aging;	2566
(2) The development services agency;	2567
(3) The department of developmental disabilities;	2568
(4) The department of education <u>and workforce</u> ;	2569
(5) The department of health;	2570

(6) The department of job and family services;	2571
(7) The department of medicaid;	2572
(8) The department of mental health and addiction services;	2573 2574
(9) The opportunities for Ohioans with disabilities agency.	2575 2576
(B) In revising eligibility standards and eligibility determination procedures, a state agency shall not make any program's eligibility standards or eligibility determination procedures inconsistent with state or federal law. To the extent authorized by state and federal law, the revisions may provide for the state agencies to share administrative operations.	2577 2578 2579 2580 2581 2582
Sec. 121.37. (A) (1) There is hereby created the Ohio family and children first cabinet council. The council shall be composed of the superintendent of public instruction <u>director of education and workforce</u> , the executive director of the opportunities for Ohioans with disabilities agency, the medicaid director, and the directors of youth services, job and family services, mental health and addiction services, health, developmental disabilities, aging, rehabilitation and correction, and budget and management. The chairperson of the council shall be the governor or the governor's designee and shall establish procedures for the council's internal control and management.	2583 2584 2585 2586 2587 2588 2589 2590 2591 2592 2593 2594
The purpose of the cabinet council is to help families seeking government services. This section shall not be interpreted or applied to usurp the role of parents, but solely to streamline and coordinate existing government services for families seeking assistance for their children.	2595 2596 2597 2598 2599

(2) In seeking to fulfill its purpose, the council may do	2600
any of the following:	2601
(a) Advise and make recommendations to the governor and	2602
general assembly regarding the provision of services to	2603
children;	2604
(b) Advise and assess local governments on the	2605
coordination of service delivery to children;	2606
(c) Hold meetings at such times and places as may be	2607
prescribed by the council's procedures and maintain records of	2608
the meetings, except that records identifying individual	2609
children are confidential and shall be disclosed only as	2610
provided by law;	2611
(d) Develop programs and projects, including pilot	2612
projects, to encourage coordinated efforts at the state and	2613
local level to improve the state's social service delivery	2614
system;	2615
(e) Enter into contracts with and administer grants to	2616
county family and children first councils, as well as other	2617
county or multicounty organizations to plan and coordinate	2618
service delivery between state agencies and local service	2619
providers for families and children;	2620
(f) Enter into contracts with and apply for grants from	2621
federal agencies or private organizations;	2622
(g) Enter into interagency agreements to encourage	2623
coordinated efforts at the state and local level to improve the	2624
state's social service delivery system. The agreements may	2625
include provisions regarding the receipt, transfer, and	2626
expenditure of funds;	2627

(h) Identify public and private funding sources for	2628
services provided to alleged or adjudicated unruly children and	2629
children who are at risk of being alleged or adjudicated unruly	2630
children, including regulations governing access to and use of	2631
the services;	2632
(i) Collect information provided by local communities	2633
regarding successful programs for prevention, intervention, and	2634
treatment of unruly behavior, including evaluations of the	2635
programs;	2636
(j) Identify and disseminate publications regarding	2637
alleged or adjudicated unruly children and children who are at	2638
risk of being alleged or adjudicated unruly children and	2639
regarding programs serving those types of children;	2640
(k) Maintain an inventory of strategic planning	2641
facilitators for use by government or nonprofit entities that	2642
serve alleged or adjudicated unruly children or children who are	2643
at risk of being alleged or adjudicated unruly children.	2644
(3) The cabinet council shall provide for the following:	2645
(a) Reviews of service and treatment plans for children	2646
for which such reviews are requested;	2647
(b) Assistance as the council determines to be necessary	2648
to meet the needs of children referred by county family and	2649
children first councils;	2650
(c) Monitoring and supervision of a statewide,	2651
comprehensive, coordinated, multi-disciplinary, interagency	2652
system for infants and toddlers with developmental disabilities	2653
or delays and their families, as established pursuant to federal	2654
grants received and administered by the department of health for	2655
early intervention services under the "Individuals with	2656

Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. 2657
1400, as amended. 2658

(4) The cabinet council shall develop and implement the 2659
following: 2660

(a) An interagency process to select the indicators that 2661
will be used to measure progress toward increasing child well- 2662
being in the state and to update the indicators on an annual 2663
basis. The indicators shall focus on expectant parents and 2664
newborns thriving; infants and toddlers thriving; children being 2665
ready for school; children and youth succeeding in school; youth 2666
choosing healthy behaviors; and youth successfully transitioning 2667
into adulthood. 2668

(b) An interagency system to offer guidance and monitor 2669
progress toward increasing child well-being in the state and in 2670
each county; 2671

(c) An annual plan that identifies state-level agency 2672
efforts taken to ensure progress towards increasing child well- 2673
being in the state. 2674

On an annual basis, the cabinet council shall submit to 2675
the governor and the general assembly a report on the status of 2676
efforts to increase child well-being in the state. This report 2677
shall be made available to any other person on request. 2678

(B) (1) Each board of county commissioners shall establish 2679
a county family and children first council. The board may invite 2680
any local public or private agency or group that funds, 2681
advocates, or provides services to children and families to have 2682
a representative become a permanent or temporary member of its 2683
county council. Each county council must include the following 2684
individuals: 2685

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

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

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

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

(e) The executive director of the public children services agency;

(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;

(g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing

in the county, as determined by the department of education and 2715
workforce, which shall notify each board of county commissioners 2716
of its determination at least biennially; 2717

(h) A school superintendent representing all other school 2718
districts with territory in the county, as designated at a 2719
biennial meeting of the superintendents of those districts; 2720

(i) A representative of the municipal corporation with the 2721
largest population in the county; 2722

(j) The president of the board of county commissioners or 2723
an individual designated by the board; 2724

(k) A representative of the department of youth services 2725
or an individual designated by the department; 2726

(l) A representative of the county's head start agencies, 2727
as defined in section 3301.32 of the Revised Code; 2728

(m) A representative of the county's early intervention 2729
collaborative established pursuant to the federal early 2730
intervention program operated under the "Individuals with 2731
Disabilities Education Act of 2004"; 2732

(n) A representative of a local nonprofit entity that 2733
funds, advocates, or provides services to children and families. 2734

Notwithstanding any other provision of law, the public 2735
members of a county council are not prohibited from serving on 2736
the council and making decisions regarding the duties of the 2737
council, including those involving the funding of joint projects 2738
and those outlined in the county's service coordination 2739
mechanism implemented pursuant to division (C) of this section. 2740

The cabinet council shall establish a state appeals 2741
process to resolve disputes among the members of a county 2742

council concerning whether reasonable responsibilities as 2743
members are being shared. The appeals process may be accessed 2744
only by a majority vote of the council members who are required 2745
to serve on the council. Upon appeal, the cabinet council may 2746
order that state funds for services to children and families be 2747
redirected to a county's board of county commissioners. 2748

The county's juvenile court judge senior in service or 2749
another judge of the juvenile court designated by the 2750
administrative judge or, where there is no administrative judge, 2751
by the judge senior in service shall serve as the judicial 2752
advisor to the county family and children first council. The 2753
judge may advise the county council on the court's utilization 2754
of resources, services, or programs provided by the entities 2755
represented by the members of the county council and how those 2756
resources, services, or programs assist the court in its 2757
administration of justice. Service of a judge as a judicial 2758
advisor pursuant to this section is a judicial function. 2759

(2) The purpose of the county council is to streamline and 2760
coordinate existing government services for families seeking 2761
services for their children. In seeking to fulfill its purpose, 2762
a county council shall provide for the following: 2763

(a) Referrals to the cabinet council of those children for 2764
whom the county council cannot provide adequate services; 2765

(b) Development and implementation of a process that 2766
annually evaluates and prioritizes services, fills service gaps 2767
where possible, and invents new approaches to achieve better 2768
results for families and children; 2769

(c) Participation in the development of a countywide, 2770
comprehensive, coordinated, multi-disciplinary, interagency 2771

system for infants and toddlers with developmental disabilities 2772
or delays and their families, as established pursuant to federal 2773
grants received and administered by the department of health for 2774
early intervention services under the "Individuals with 2775
Disabilities Education Act of 2004"; 2776

(d) Maintenance of an accountability system to monitor the 2777
county council's progress in achieving results for families and 2778
children; 2779

(e) Establishment of a mechanism to ensure ongoing input 2780
from a broad representation of families who are receiving 2781
services within the county system. 2782

(3) A county council shall develop and implement the 2783
following: 2784

(a) An interagency process to establish local indicators 2785
and monitor the county's progress toward increasing child well- 2786
being in the county; 2787

(b) An interagency process to identify local priorities to 2788
increase child well-being. The local priorities shall focus on 2789
expectant parents and newborns thriving; infants and toddlers 2790
thriving; children being ready for school; children and youth 2791
succeeding in school; youth choosing healthy behaviors; and 2792
youth successfully transitioning into adulthood and take into 2793
account the indicators established by the cabinet council under 2794
division (A) (4) (a) of this section. 2795

(c) An annual plan that identifies the county's 2796
interagency efforts to increase child well-being in the county. 2797

On an annual basis, the county council shall submit a 2798
report on the status of efforts by the county to increase child 2799
well-being in the county to the county's board of county 2800

commissioners and the cabinet council. This report shall be made 2801
available to any other person on request. 2802

(4) (a) Except as provided in division (B) (4) (b) of this 2803
section, a county council shall comply with the policies, 2804
procedures, and activities prescribed by the rules or 2805
interagency agreements of a state department participating on 2806
the cabinet council whenever the county council performs a 2807
function subject to those rules or agreements. 2808

(b) On application of a county council, the cabinet 2809
council may grant an exemption from any rules or interagency 2810
agreements of a state department participating on the council if 2811
an exemption is necessary for the council to implement an 2812
alternative program or approach for service delivery to families 2813
and children. The application shall describe the proposed 2814
program or approach and specify the rules or interagency 2815
agreements from which an exemption is necessary. The cabinet 2816
council shall approve or disapprove the application in 2817
accordance with standards and procedures it shall adopt. If an 2818
application is approved, the exemption is effective only while 2819
the program or approach is being implemented, including a 2820
reasonable period during which the program or approach is being 2821
evaluated for effectiveness. 2822

(5) (a) Each county council shall designate an 2823
administrative agent for the council from among the following 2824
public entities: the board of alcohol, drug addiction, and 2825
mental health services, including a board of alcohol and drug 2826
addiction or a community mental health board if the county is 2827
served by separate boards; the board of county commissioners; 2828
any board of health of the county's city and general health 2829
districts; the county department of job and family services; the 2830

county agency responsible for the administration of children 2831
services pursuant to section 5153.15 of the Revised Code; the 2832
county board of developmental disabilities; any of the county's 2833
boards of education or governing boards of educational service 2834
centers; or the county's juvenile court. Any of the foregoing 2835
public entities, other than the board of county commissioners, 2836
may decline to serve as the council's administrative agent. 2837

A county council's administrative agent shall serve as the 2838
council's appointing authority for any employees of the council. 2839
The council shall file an annual budget with its administrative 2840
agent, with copies filed with the county auditor and with the 2841
board of county commissioners, unless the board is serving as 2842
the council's administrative agent. The council's administrative 2843
agent shall ensure that all expenditures are handled in 2844
accordance with policies, procedures, and activities prescribed 2845
by state departments in rules or interagency agreements that are 2846
applicable to the council's functions. 2847

The administrative agent of a county council shall send 2848
notice of a member's absence if a member listed in division (B) 2849
(1) of this section has been absent from either three 2850
consecutive meetings of the county council or a county council 2851
subcommittee, or from one-quarter of such meetings in a calendar 2852
year, whichever is less. The notice shall be sent to the board 2853
of county commissioners that establishes the county council and, 2854
for the members listed in divisions (B) (1) (b), (c), (e), and (1) 2855
of this section, to the governing board overseeing the 2856
respective entity; for the member listed in division (B) (1) (f) 2857
of this section, to the county board of developmental 2858
disabilities that employs the superintendent; for a member 2859
listed in division (B) (1) (g) or (h) of this section, to the 2860
school board that employs the superintendent; for the member 2861

listed in division (B) (1) (i) of this section, to the mayor of 2862
the municipal corporation; for the member listed in division (B) 2863
(1) (k) of this section, to the director of youth services; and 2864
for the member listed in division (B) (1) (n) of this section, to 2865
that member's board of trustees. 2866

The administrative agent for a county council may do any 2867
of the following on behalf of the council: 2868

(i) Enter into agreements or administer contracts with 2869
public or private entities to fulfill specific council business. 2870
Such agreements and contracts are exempt from the competitive 2871
bidding requirements of section 307.86 of the Revised Code if 2872
they have been approved by the county council and they are for 2873
the purchase of family and child welfare or child protection 2874
services or other social or job and family services for families 2875
and children. The approval of the county council is not required 2876
to exempt agreements or contracts entered into under section 2877
5139.34, 5139.41, or 5139.43 of the Revised Code from the 2878
competitive bidding requirements of section 307.86 of the 2879
Revised Code. 2880

(ii) As determined by the council, provide financial 2881
stipends, reimbursements, or both, to family representatives for 2882
expenses related to council activity; 2883

(iii) Receive by gift, grant, devise, or bequest any 2884
moneys, lands, or other property for the purposes for which the 2885
council is established. The agent shall hold, apply, and dispose 2886
of the moneys, lands, or other property according to the terms 2887
of the gift, grant, devise, or bequest. Any interest or earnings 2888
shall be treated in the same manner and are subject to the same 2889
terms as the gift, grant, devise, or bequest from which it 2890
accrues. 2891

(b) (i) If the county council designates the board of 2892
county commissioners as its administrative agent, the board may, 2893
by resolution, delegate any of its powers and duties as 2894
administrative agent to an executive committee the board 2895
establishes from the membership of the county council. The board 2896
shall name to the executive committee at least the individuals 2897
described in divisions (B) (1) (b) to (h) of this section and may 2898
appoint the president of the board or another individual as the 2899
chair of the executive committee. The executive committee must 2900
include at least one family county council representative who 2901
does not have a family member employed by an agency represented 2902
on the council. 2903

(ii) The executive committee may, with the approval of the 2904
board, hire an executive director to assist the county council 2905
in administering its powers and duties. The executive director 2906
shall serve in the unclassified civil service at the pleasure of 2907
the executive committee. The executive director may, with the 2908
approval of the executive committee, hire other employees as 2909
necessary to properly conduct the county council's business. 2910

(iii) The board may require the executive committee to 2911
submit an annual budget to the board for approval and may amend 2912
or repeal the resolution that delegated to the executive 2913
committee its authority as the county council's administrative 2914
agent. 2915

(6) Two or more county councils may enter into an 2916
agreement to administer their county councils jointly by 2917
creating a regional family and children first council. A 2918
regional council possesses the same duties and authority 2919
possessed by a county council, except that the duties and 2920
authority apply regionally rather than to individual counties. 2921

Prior to entering into an agreement to create a regional 2922
council, the members of each county council to be part of the 2923
regional council shall meet to determine whether all or part of 2924
the members of each county council will serve as members of the 2925
regional council. 2926

(7) A board of county commissioners may approve a 2927
resolution by a majority vote of the board's members that 2928
requires the county council to submit a statement to the board 2929
each time the council proposes to enter into an agreement, adopt 2930
a plan, or make a decision, other than a decision pursuant to 2931
section 121.38 of the Revised Code, that requires the 2932
expenditure of funds for two or more families. The statement 2933
shall describe the proposed agreement, plan, or decision. 2934

Not later than fifteen days after the board receives the 2935
statement, it shall, by resolution approved by a majority of its 2936
members, approve or disapprove the agreement, plan, or decision. 2937
Failure of the board to pass a resolution during that time 2938
period shall be considered approval of the agreement, plan, or 2939
decision. 2940

An agreement, plan, or decision for which a statement is 2941
required to be submitted to the board shall be implemented only 2942
if it is approved by the board. 2943

(C) Each county shall develop a county service 2944
coordination mechanism. The county service coordination 2945
mechanism shall serve as the guiding document for coordination 2946
of services in the county. For children who also receive 2947
services under the help me grow program, the service 2948
coordination mechanism shall be consistent with rules adopted by 2949
the department of health under section 3701.61 of the Revised 2950
Code. All family service coordination plans shall be developed 2951

in accordance with the county service coordination mechanism. 2952
The mechanism shall be developed and approved with the 2953
participation of the county entities representing child welfare; 2954
developmental disabilities; alcohol, drug addiction, and mental 2955
health services; health; juvenile judges; education; the county 2956
family and children first council; and the county early 2957
intervention collaborative established pursuant to the federal 2958
early intervention program operated under the "Individuals with 2959
Disabilities Education Act of 2004." The county shall establish 2960
an implementation schedule for the mechanism. The cabinet 2961
council may monitor the implementation and administration of 2962
each county's service coordination mechanism. 2963

Each mechanism shall include all of the following: 2964

(1) A procedure for an agency, including a juvenile court, 2965
or a family voluntarily seeking service coordination, to refer 2966
the child and family to the county council for service 2967
coordination in accordance with the mechanism; 2968

(2) A procedure ensuring that a family and all appropriate 2969
staff from involved agencies, including a representative from 2970
the appropriate school district, are notified of and invited to 2971
participate in all family service coordination plan meetings; 2972

(3) A procedure that permits a family to initiate a 2973
meeting to develop or review the family's service coordination 2974
plan and allows the family to invite a family advocate, mentor, 2975
or support person of the family's choice to participate in any 2976
such meeting; 2977

(4) A procedure for ensuring that a family service 2978
coordination plan meeting is conducted for each child who 2979
receives service coordination under the mechanism and for whom 2980

an emergency out-of-home placement has been made or for whom a 2981
nonemergency out-of-home placement is being considered. The 2982
meeting shall be conducted within ten days of an emergency out- 2983
of-home placement. The meeting shall be conducted before a 2984
nonemergency out-of-home placement. The family service 2985
coordination plan shall outline how the county council members 2986
will jointly pay for services, where applicable, and provide 2987
services in the least restrictive environment. 2988

(5) A procedure for monitoring the progress and tracking 2989
the outcomes of each service coordination plan requested in the 2990
county including monitoring and tracking children in out-of-home 2991
placements to assure continued progress, appropriateness of 2992
placement, and continuity of care after discharge from placement 2993
with appropriate arrangements for housing, treatment, and 2994
education; 2995

(6) A procedure for protecting the confidentiality of all 2996
personal family information disclosed during service 2997
coordination meetings or contained in the comprehensive family 2998
service coordination plan; 2999

(7) A procedure for assessing the needs and strengths of 3000
any child or family that has been referred to the council for 3001
service coordination, including a child whose parent or 3002
custodian is voluntarily seeking services, and for ensuring that 3003
parents and custodians are afforded the opportunity to 3004
participate; 3005

(8) A procedure for development of a family service 3006
coordination plan described in division (D) of this section; 3007

(9) A local dispute resolution process to serve as the 3008
process that must be used first to resolve disputes among the 3009

agencies represented on the county council concerning the 3010
provision of services to children, including children who are 3011
abused, neglected, dependent, unruly, alleged unruly, or 3012
delinquent children and under the jurisdiction of the juvenile 3013
court and children whose parents or custodians are voluntarily 3014
seeking services. The local dispute resolution process shall 3015
comply with sections 121.38, 121.381, and 121.382 of the Revised 3016
Code. The local dispute resolution process shall be used to 3017
resolve disputes between a child's parents or custodians and the 3018
county council regarding service coordination. The county 3019
council shall inform the parents or custodians of their right to 3020
use the dispute resolution process. Parents or custodians shall 3021
use existing local agency grievance procedures to address 3022
disputes not involving service coordination. The dispute 3023
resolution process is in addition to and does not replace other 3024
rights or procedures that parents or custodians may have under 3025
other sections of the Revised Code. 3026

The cabinet council shall adopt rules in accordance with 3027
Chapter 119. of the Revised Code establishing an administrative 3028
review process to address problems that arise concerning the 3029
operation of a local dispute resolution process. 3030

Nothing in division (C) (4) of this section shall be 3031
interpreted as overriding or affecting decisions of a juvenile 3032
court regarding an out-of-home placement, long-term placement, 3033
or emergency out-of-home placement. 3034

(D) Each county shall develop a family service 3035
coordination plan that does all of the following: 3036

(1) Designates service responsibilities among the various 3037
state and local agencies that provide services to children and 3038
their families, including children who are abused, neglected, 3039

dependent, unruly, or delinquent children and under the 3040
jurisdiction of the juvenile court and children whose parents or 3041
custodians are voluntarily seeking services; 3042

(2) Designates an individual, approved by the family, to 3043
track the progress of the family service coordination plan, 3044
schedule reviews as necessary, and facilitate the family service 3045
coordination plan meeting process; 3046

(3) Ensures that assistance and services to be provided 3047
are responsive to the strengths and needs of the family, as well 3048
as the family's culture, race, and ethnic group, by allowing the 3049
family to offer information and suggestions and participate in 3050
decisions. Identified assistance and services shall be provided 3051
in the least restrictive environment possible. 3052

(4) Includes a process for dealing with a child who is 3053
alleged to be an unruly child. The process shall include methods 3054
to divert the child from the juvenile court system; 3055

(5) Includes timelines for completion of goals specified 3056
in the plan with regular reviews scheduled to monitor progress 3057
toward those goals; 3058

(6) Includes a plan for dealing with short-term crisis 3059
situations and safety concerns. 3060

(E) (1) The process provided for under division (D) (4) of 3061
this section may include, but is not limited to, the following: 3062

(a) Designation of the person or agency to conduct the 3063
assessment of the child and the child's family as described in 3064
division (C) (7) of this section and designation of the 3065
instrument or instruments to be used to conduct the assessment; 3066

(b) An emphasis on the personal responsibilities of the 3067

child and the parental responsibilities of the parents, 3068
guardian, or custodian of the child; 3069

(c) Involvement of local law enforcement agencies and 3070
officials. 3071

(2) The method to divert a child from the juvenile court 3072
system that must be included in the service coordination process 3073
may include, but is not limited to, the following: 3074

(a) The preparation of a complaint under section 2151.27 3075
of the Revised Code alleging that the child is an unruly child 3076
and notifying the child and the parents, guardian, or custodian 3077
that the complaint has been prepared to encourage the child and 3078
the parents, guardian, or custodian to comply with other methods 3079
to divert the child from the juvenile court system; 3080

(b) Conducting a meeting with the child, the parents, 3081
guardian, or custodian, and other interested parties to 3082
determine the appropriate methods to divert the child from the 3083
juvenile court system; 3084

(c) A method to provide to the child and the child's 3085
family a short-term respite from a short-term crisis situation 3086
involving a confrontation between the child and the parents, 3087
guardian, or custodian; 3088

(d) A program to provide a mentor to the child or the 3089
parents, guardian, or custodian; 3090

(e) A program to provide parenting education to the 3091
parents, guardian, or custodian; 3092

(f) An alternative school program for children who are 3093
truant from school, repeatedly disruptive in school, or 3094
suspended or expelled from school; 3095

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

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

Sec. 121.40. (A) There is hereby created the Ohio commission on service and volunteerism consisting of nineteen voting members including the ~~superintendent of public instruction~~ director of education and workforce or the ~~superintendent's~~ director's designee, the chancellor of higher education or the chancellor's designee, the director of youth services or the director's designee, the director of aging or the director's designee, and fifteen members who shall be appointed by the governor with the advice and consent of the senate and who shall serve terms of office of three years. The appointees shall include educators, including teachers and administrators; representatives of youth organizations; students and parents; representatives of organizations engaged in volunteer program development and management throughout the state, including youth and conservation programs; and representatives of business, government, nonprofit organizations, social service agencies, veterans organizations, religious organizations, or philanthropies that support or encourage volunteerism within the state. The director of the governor's office of faith-based and community initiatives shall serve as a nonvoting ex officio member of the commission.

Members of the commission shall receive no compensation, but 3127
shall be reimbursed for actual and necessary expenses incurred 3128
in the performance of their official duties. 3129

(B) The commission shall appoint an executive director for 3130
the commission, who shall be in the unclassified civil service. 3131
The governor shall be informed of the appointment of an 3132
executive director before such an appointment is made. The 3133
executive director shall supervise the commission's activities 3134
and report to the commission on the progress of those 3135
activities. The executive director shall do all things necessary 3136
for the efficient and effective implementation of the duties of 3137
the commission. 3138

The responsibilities assigned to the executive director do 3139
not relieve the members of the commission from final 3140
responsibility for the proper performance of the requirements of 3141
this section. 3142

(C) The commission or its designee shall do all of the 3143
following: 3144

(1) Employ, promote, supervise, and remove all employees 3145
as needed in connection with the performance of its duties under 3146
this section and may assign duties to those employees as 3147
necessary to achieve the most efficient performance of its 3148
functions, and to that end may establish, change, or abolish 3149
positions, and assign and reassign duties and responsibilities 3150
of any employee of the commission. Personnel employed by the 3151
commission who are subject to Chapter 4117. of the Revised Code 3152
shall retain all of their rights and benefits conferred pursuant 3153
to that chapter. Nothing in this chapter shall be construed as 3154
eliminating or interfering with Chapter 4117. of the Revised 3155
Code or the rights and benefits conferred under that chapter to 3156

public employees or to any bargaining unit. 3157

(2) Maintain its office in Columbus, and may hold sessions 3158
at any place within the state; 3159

(3) Acquire facilities, equipment, and supplies necessary 3160
to house the commission, its employees, and files and records 3161
under its control, and to discharge any duty imposed upon it by 3162
law. The expense of these acquisitions shall be audited and paid 3163
for in the same manner as other state expenses. For that 3164
purpose, the commission shall prepare and submit to the office 3165
of budget and management a budget for each biennium according to 3166
sections 101.532 and 107.03 of the Revised Code. The budget 3167
submitted shall cover the costs of the commission and its staff 3168
in the discharge of any duty imposed upon the commission by law. 3169
The commission shall not delegate any authority to obligate 3170
funds. 3171

(4) Pay its own payroll and other operating expenses from 3172
line items designated by the general assembly; 3173

(5) Retain its fiduciary responsibility as appointing 3174
authority. Any transaction instructions shall be certified by 3175
the appointing authority or its designee. 3176

(6) Establish the overall policy and management of the 3177
commission in accordance with this chapter; 3178

(7) Assist in coordinating and preparing the state 3179
application for funds under sections 101 to 184 of the "National 3180
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 3181
U.S.C.A. 12411 to 12544, as amended, assist in administering and 3182
overseeing the "National and Community Service Trust Act of 3183
1993," P.L. 103-82, 107 Stat. 785, and the americorps program in 3184
this state, and assist in developing objectives for a 3185

comprehensive strategy to encourage and expand community service programs throughout the state;	3186 3187
(8) Assist the state board <u>department of education and workforce</u> , school districts, the chancellor of higher education, and institutions of higher education in coordinating community service education programs through cooperative efforts between institutions and organizations in the public and private sectors;	3188 3189 3190 3191 3192 3193
(9) Assist the departments of natural resources, youth services, aging, and job and family services in coordinating community service programs through cooperative efforts between institutions and organizations in the public and private sectors;	3194 3195 3196 3197 3198
(10) Suggest individuals and organizations that are available to assist school districts, institutions of higher education, and the departments of natural resources, youth services, aging, and job and family services in the establishment of community service programs and assist in investigating sources of funding for implementing these programs;	3199 3200 3201 3202 3203 3204 3205
(11) Assist in evaluating the state's efforts in providing community service programs using standards and methods that are consistent with any statewide objectives for these programs and provide information to the state board <u>department of education and workforce</u> , school districts, the chancellor of higher education, institutions of higher education, and the departments of natural resources, youth services, aging, and job and family services to guide them in making decisions about these programs;	3206 3207 3208 3209 3210 3211 3212 3213
(12) Assist the state board <u>department of education and</u>	3214

workforce in complying with section 3301.70 of the Revised Code 3215
and the chancellor of higher education in complying with 3216
division (B) (2) of section 3333.043 of the Revised Code. 3217

(D) The commission shall in writing enter into an 3218
agreement with another state agency to serve as the commission's 3219
fiscal agent. Before entering into such an agreement, the 3220
commission shall inform the governor of the terms of the 3221
agreement and of the state agency designated to serve as the 3222
commission's fiscal agent. The fiscal agent shall be responsible 3223
for all the commission's fiscal matters and financial 3224
transactions, as specified in the agreement. Services to be 3225
provided by the fiscal agent include, but are not limited to, 3226
the following: 3227

(1) Preparing and processing payroll and other personnel 3228
documents that the commission executes as the appointing 3229
authority; 3230

(2) Maintaining ledgers of accounts and reports of account 3231
balances, and monitoring budgets and allotment plans in 3232
consultation with the commission; and 3233

(3) Performing other routine support services that the 3234
fiscal agent considers appropriate to achieve efficiency. 3235

(E) (1) The commission, in conjunction and consultation 3236
with the fiscal agent, has the following authority and 3237
responsibility relative to fiscal matters: 3238

(a) Sole authority to draw funds for any and all federal 3239
programs in which the commission is authorized to participate; 3240

(b) Sole authority to expend funds from their accounts for 3241
programs and any other necessary expenses the commission may 3242
incur and its subgrantees may incur; and 3243

(c) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions. 3244
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(2) The commission shall follow all state procurement, fiscal, human resources, statutory, and administrative rule requirements. 3246
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(3) The fiscal agent shall determine fees to be charged to the commission, which shall be in proportion to the services performed for the commission. 3249
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(4) The commission shall pay fees owed to the fiscal agent from a general revenue fund of the commission or from any other fund from which the operating expenses of the commission are paid. Any amounts set aside for a fiscal year for the payment of these fees shall be used only for the services performed for the commission by the fiscal agent in that fiscal year. 3252
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(F) The commission may accept and administer grants from any source, public or private, to carry out any of the commission's functions this section establishes. 3258
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Sec. 121.95. (A) As used in sections 121.95, 121.951, 121.952, 121.953, and 121.954 of the Revised Code, "state agency" means an administrative department created under section 121.02 of the Revised Code, an administrative department head appointed under section 121.03 of the Revised Code, and a state agency organized under an administrative department or administrative department head. "State agency" also includes the department of education and workforce, the state lottery commission, the Ohio casino control commission, the state racing commission, and the public utilities commission of Ohio. Rules adopted by an otherwise independent official or entity organized under a state agency shall be attributed to the agency under 3261
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which the official or entity is organized for the purposes of 3273
sections 121.95, 121.951, 121.952, 121.953, and 121.954 of the 3274
Revised Code. 3275

(B) Not later than December 31, 2019, a state agency shall 3276
review its existing rules to identify rules having one or more 3277
regulatory restrictions that require or prohibit an action and 3278
prepare a base inventory of the regulatory restrictions in its 3279
existing rules. Rules that include the words "shall," "must," 3280
"require," "shall not," "may not," and "prohibit" shall be 3281
considered to contain regulatory restrictions. 3282

(C) In the base inventory, the state agency shall indicate 3283
all of the following concerning each regulatory restriction: 3284

(1) A description of the regulatory restriction; 3285

(2) The rule number of the rule in which the regulatory 3286
restriction appears; 3287

(3) The statute under which the regulatory restriction was 3288
adopted; 3289

(4) Whether state or federal law expressly and 3290
specifically requires the agency to adopt the regulatory 3291
restriction or the agency adopted the regulatory restriction 3292
under the agency's general authority; 3293

(5) Whether removing the regulatory restriction would 3294
require a change to state or federal law, provided that removing 3295
a regulatory restriction adopted under a law granting the agency 3296
general authority shall be presumed not to require a change to 3297
state or federal law; 3298

(6) Any other information the joint committee on agency 3299
rule review considers necessary. 3300

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

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

(1) An internal management rule;

(2) An emergency rule;

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

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

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

(6) A rule concerning instant lottery games;

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

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

(F) Beginning on October 17, 2019, and ending on June 30, 2025, a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing

regulatory restrictions. The state agency may not satisfy this 3328
 section by merging two or more existing regulatory restrictions 3329
 into a single surviving regulatory restriction. 3330

Sec. 124.15. (A) Board and commission members appointed 3331
 prior to July 1, 1991, shall be paid a salary or wage in 3332
 accordance with the following schedules of rates: 3333

Schedule B 3334

Pay Ranges and Step Values 3335

	1	2	3	4	5	6
A	Range		Step 1	Step 2	Step 3	Step 4
B	23	Hourly	5.72	5.91	6.10	6.31
C		Annually	11897.60	12292.80	12688.00	13124.80
D			Step 5	Step 6		
E		Hourly	6.52	6.75		
F		Annually	13561.60	14040.00		
G			Step 1	Step 2	Step 3	Step 4
H	24	Hourly	6.00	6.20	6.41	6.63
I		Annually	12480.00	12896.00	13332.80	13790.40
J			Step 5	Step 6		

3336

K		Hourly	6.87	7.10		
L		Annually	14289.60	14768.00		
M			Step 1	Step 2	Step 3	Step 4
N	25	Hourly	6.31	6.52	6.75	6.99
O		Annually	13124.80	13561.60	14040.00	14539.20
P			Step 5	Step 6		
Q		Hourly	7.23	7.41		
R		Annually	15038.40	15412.80		
S			Step 1	Step 2	Step 3	Step 4
T	26	Hourly	6.63	6.87	7.10	7.32
U		Annually	13790.40	14289.60	14768.00	15225.60
V			Step 5	Step 6		
W		Hourly	7.53	7.77		
X		Annually	15662.40	16161.60		
Y			Step 1	Step 2	Step 3	Step 4
Z	27	Hourly	6.99	7.23	7.41	7.64
AA		Annually	14534.20	15038.40	15412.80	15891.20
AB			Step 5	Step 6	Step 7	

AC		Hourly	7.88	8.15	8.46	
AD		Annually	16390.40	16952.00	17596.80	
AE			Step 1	Step 2	Step 3	Step 4
AF	28	Hourly	7.41	7.64	7.88	8.15
AG		Annually	15412.80	15891.20	16390.40	16952.00
AH			Step 5	Step 6	Step 7	
AI		Hourly	8.46	8.79	9.15	
AJ		Annually	17596.80	18283.20	19032.00	
AK			Step 1	Step 2	Step 3	Step 4
AL	29	Hourly	7.88	8.15	8.46	8.79
AM		Annually	16390.40	16952.00	17596.80	18283.20
AN			Step 5	Step 6	Step 7	
AO		Hourly	9.15	9.58	10.01	
AP		Annually	19032.00	19926.40	20820.80	
AQ			Step 1	Step 2	Step 3	Step 4
AR	30	Hourly	8.46	8.79	9.15	9.58
AS		Annually	17596.80	18283.20	19032.00	19926.40
AT			Step 5	Step 6	Step 7	

AU		Hourly	10.01	10.46	10.99	
AV		Annually	20820.80	21756.80	22859.20	
AW			Step 1	Step 2	Step 3	Step 4
AX	31	Hourly	9.15	9.58	10.01	10.46
AY		Annually	19032.00	19962.40	20820.80	21756.80
AZ			Step 5	Step 6	Step 7	
BA		Hourly	10.99	11.52	12.09	
BB		Annually	22859.20	23961.60	25147.20	
BC			Step 1	Step 2	Step 3	Step 4
BD	32	Hourly	10.01	10.46	10.99	11.52
BE		Annually	20820.80	21756.80	22859.20	23961.60
BF			Step 5	Step 6	Step 7	Step 8
BG		Hourly	12.09	12.68	13.29	13.94
BH		Annually	25147.20	26374.40	27643.20	28995.20
BI			Step 1	Step 2	Step 3	Step 4
BJ	33	Hourly	10.99	11.52	12.09	12.68
BK		Annually	22859.20	23961.60	25147.20	26374.40
BL			Step 5	Step 6	Step 7	Step 8

BM		Hourly	13.29	13.94	14.63	15.35
BN		Annually	27643.20	28995.20	30430.40	31928.00
BO			Step 1	Step 2	Step 3	Step 4
BP	34	Hourly	12.09	12.68	13.29	13.94
BQ		Annually	25147.20	26374.40	27643.20	28995.20
BR			Step 5	Step 6	Step 7	Step 8
BS		Hourly	14.63	15.35	16.11	16.91
BT		Annually	30430.40	31928.00	33508.80	35172.80
BU			Step 1	Step 2	Step 3	Step 4
BV	35	Hourly	13.29	13.94	14.63	15.35
BW		Annually	27643.20	28995.20	30430.40	31928.00
BX			Step 5	Step 6	Step 7	Step 8
BY		Hourly	16.11	16.91	17.73	18.62
BZ		Annually	33508.80	35172.80	36878.40	38729.60
CA			Step 1	Step 2	Step 3	Step 4
CB	36	Hourly	14.63	15.35	16.11	16.91
CC		Annually	30430.40	31928.00	33508.80	35172.80
CD			Step 5	Step 6	Step 7	Step 8

CE	Hourly	17.73	18.62	19.54	20.51
CF	Annually	36878.40	38729.60	40643.20	42660.80

Schedule C 3337

Pay Range and Values 3338

3339

	1	2	3	4
A	Range		Minimum	Maximum
B	41	Hourly	10.44	15.72
C		Annually	21715.20	32697.60
D	42	Hourly	11.51	17.35
E		Annually	23940.80	36088.00
F	43	Hourly	12.68	19.12
G		Annually	26374.40	39769.60
H	44	Hourly	13.99	20.87
I		Annually	29099.20	43409.60
J	45	Hourly	15.44	22.80
K		Annually	32115.20	47424.00
L	46	Hourly	17.01	24.90

M		Annually	35380.80	51792.00
N	47	Hourly	18.75	27.18
O		Annually	39000.00	56534.40
P	48	Hourly	20.67	29.69
Q		Annually	42993.60	61755.20
R	49	Hourly	22.80	32.06
S		Annually	47424.00	66684.80

(B) The pay schedule of all employees shall be on a 3340
biweekly basis, with amounts computed on an hourly basis. 3341

(C) Part-time employees shall be compensated on an hourly 3342
basis for time worked, at the rates shown in division (A) of 3343
this section or in section 124.152 of the Revised Code. 3344

(D) The salary and wage rates in division (A) of this 3345
section or in section 124.152 of the Revised Code represent base 3346
rates of compensation and may be augmented by the provisions of 3347
section 124.181 of the Revised Code. In those cases where 3348
lodging, meals, laundry, or other personal services are 3349
furnished an employee in the service of the state, the actual 3350
costs or fair market value of the personal services shall be 3351
paid by the employee in such amounts and manner as determined by 3352
the director of administrative services and approved by the 3353
director of budget and management, and those personal services 3354
shall not be considered as a part of the employee's 3355
compensation. An appointing authority that appoints employees in 3356
the service of the state, with the approval of the director of 3357

administrative services and the director of budget and 3358
management, may establish payments to employees for uniforms, 3359
tools, equipment, and other requirements of the department and 3360
payments for the maintenance of them. 3361

The director of administrative services may review 3362
collective bargaining agreements entered into under Chapter 3363
4117. of the Revised Code that cover employees in the service of 3364
the state and determine whether certain benefits or payments 3365
provided to the employees covered by those agreements should 3366
also be provided to employees in the service of the state who 3367
are exempt from collective bargaining coverage and are paid in 3368
accordance with section 124.152 of the Revised Code or are 3369
listed in division (B) (2) or (4) of section 124.14 of the 3370
Revised Code. On completing the review, the director of 3371
administrative services, with the approval of the director of 3372
budget and management, may provide to some or all of these 3373
employees any payment or benefit, except for salary, contained 3374
in such a collective bargaining agreement even if it is similar 3375
to a payment or benefit already provided by law to some or all 3376
of these employees. Any payment or benefit so provided shall not 3377
exceed the highest level for that payment or benefit specified 3378
in such a collective bargaining agreement. The director of 3379
administrative services shall not provide, and the director of 3380
budget and management shall not approve, any payment or benefit 3381
to such an employee under this division unless the payment or 3382
benefit is provided pursuant to a collective bargaining 3383
agreement to a state employee who is in a position with similar 3384
duties as, is supervised by, or is employed by the same 3385
appointing authority as, the employee to whom the benefit or 3386
payment is to be provided. 3387

As used in this division, "payment or benefit already 3388

provided by law" includes, but is not limited to, bereavement, 3389
personal, vacation, administrative, and sick leave, disability 3390
benefits, holiday pay, and pay supplements provided under the 3391
Revised Code, but does not include wages or salary. 3392

(E) New employees paid in accordance with schedule B of 3393
division (A) of this section or schedule E-1 of section 124.152 3394
of the Revised Code shall be employed at the minimum rate 3395
established for the range unless otherwise provided. Employees 3396
with qualifications that are beyond the minimum normally 3397
required for the position and that are determined by the 3398
director to be exceptional may be employed in, or may be 3399
transferred or promoted to, a position at an advanced step of 3400
the range. Further, in time of a serious labor market condition 3401
when it is relatively impossible to recruit employees at the 3402
minimum rate for a particular classification, the entrance rate 3403
may be set at an advanced step in the range by the director of 3404
administrative services. This rate may be limited to 3405
geographical regions of the state. Appointments made to an 3406
advanced step under the provision regarding exceptional 3407
qualifications shall not affect the step assignment of employees 3408
already serving. However, anytime the hiring rate of an entire 3409
classification is advanced to a higher step, all incumbents of 3410
that classification being paid at a step lower than that being 3411
used for hiring, shall be advanced beginning at the start of the 3412
first pay period thereafter to the new hiring rate, and any time 3413
accrued at the lower step will be used to calculate advancement 3414
to a succeeding step. If the hiring rate of a classification is 3415
increased for only a geographical region of the state, only 3416
incumbents who work in that geographical region shall be 3417
advanced to a higher step. When an employee in the unclassified 3418
service changes from one state position to another or is 3419

appointed to a position in the classified service, or if an 3420
employee in the classified service is appointed to a position in 3421
the unclassified service, the employee's salary or wage in the 3422
new position shall be determined in the same manner as if the 3423
employee were an employee in the classified service. When an 3424
employee in the unclassified service who is not eligible for 3425
step increases is appointed to a classification in the 3426
classified service under which step increases are provided, 3427
future step increases shall be based on the date on which the 3428
employee last received a pay increase. If the employee has not 3429
received an increase during the previous year, the date of the 3430
appointment to the classified service shall be used to determine 3431
the employee's annual step advancement eligibility date. In 3432
reassigning any employee to a classification resulting in a pay 3433
range increase or to a new pay range as a result of a promotion, 3434
an increase pay range adjustment, or other classification change 3435
resulting in a pay range increase, the director shall assign 3436
such employee to the step in the new pay range that will provide 3437
an increase of approximately four per cent if the new pay range 3438
can accommodate the increase. When an employee is being assigned 3439
to a classification or new pay range as the result of a class 3440
plan change, if the employee has completed a probationary 3441
period, the employee shall be placed in a step no lower than 3442
step two of the new pay range. If the employee has not completed 3443
a probationary period, the employee may be placed in step one of 3444
the new pay range. Such new salary or wage shall become 3445
effective on such date as the director determines. 3446

(F) If employment conditions and the urgency of the work 3447
require such action, the director of administrative services 3448
may, upon the application of a department head, authorize 3449
payment at any rate established within the range for the class 3450

of work, for work of a casual or intermittent nature or on a project basis. Payment at such rates shall not be made to the same individual for more than three calendar months in any one calendar year. Any such action shall be subject to the approval of the director of budget and management as to the availability of funds. This section and sections 124.14 and 124.152 of the Revised Code do not repeal any authority of any department or public official to contract with or fix the compensation of professional persons who may be employed temporarily for work of a casual nature or for work on a project basis.

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

Except as provided in divisions (G) (2) and (3) of this section, each employee paid in accordance with schedule E-1 of section 124.152 of the Revised Code shall be eligible to advance to the next higher step until the employee reaches the top step in the range for the employee's class or grade, if the employee has maintained satisfactory performance in accordance with criteria established by the employee's appointing authority. Those step advancements shall not occur more frequently than once in any twelve-month period.

When an employee is promoted, the step entry date shall be 3481
set to account for a probationary period. When an employee is 3482
reassigned to a higher pay range, the step entry date shall be 3483
set to allow an employee who is not at the highest step of the 3484
range to receive a step advancement one year from the 3485
reassignment date. Step advancement shall not be affected by 3486
demotion. A promoted employee shall advance to the next higher 3487
step of the pay range on the first day of the pay period in 3488
which the required probationary period is completed. Step 3489
advancement shall become effective at the beginning of the pay 3490
period within which the employee attains the necessary length of 3491
service. Time spent on authorized leave of absence shall be 3492
counted for this purpose. 3493

If determined to be in the best interest of the state 3494
service, the director of administrative services may, either 3495
statewide or in selected agencies, adjust the dates on which 3496
annual step advancements are received by employees paid in 3497
accordance with schedule E-1 of section 124.152 of the Revised 3498
Code. 3499

(2) (a) There shall be a moratorium on annual step 3500
advancements under division (G) (1) of this section beginning 3501
June 21, 2009, through June 20, 2011. Step advancements shall 3502
resume with the pay period beginning June 21, 2011. Upon the 3503
resumption of step advancements, there shall be no retroactive 3504
step advancements for the period the moratorium was in effect. 3505
The moratorium shall not affect an employee's performance 3506
evaluation schedule. 3507

An employee who begins a probationary period before June 3508
21, 2009, shall advance to the next step in the employee's pay 3509
range at the end of probation, and then become subject to the 3510

moratorium. An employee who is hired, promoted, or reassigned to 3511
a higher pay range between June 21, 2009, through June 20, 2011, 3512
shall not advance to the next step in the employee's pay range 3513
until the next anniversary of the employee's date of hire, 3514
promotion, or reassignment that occurs on or after June 21, 3515
2011. 3516

(b) The moratorium under division (G) (2) (a) of this 3517
section shall apply to the employees of the secretary of state, 3518
the auditor of state, the treasurer of state, and the attorney 3519
general, who are subject to this section unless the secretary of 3520
state, the auditor of state, the treasurer of state, or the 3521
attorney general decides to exempt the office's employees from 3522
the moratorium and so notifies the director of administrative 3523
services in writing on or before July 1, 2009. 3524

(3) Employees in intermittent positions shall be employed 3525
at the minimum rate established for the pay range for their 3526
classification and are not eligible for step advancements. 3527

(H) Employees in appointive managerial or professional 3528
positions paid in accordance with schedule C of this section or 3529
schedule E-2 of section 124.152 of the Revised Code may be 3530
appointed at any rate within the appropriate pay range. This 3531
rate of pay may be adjusted higher or lower within the 3532
respective pay range at any time the appointing authority so 3533
desires as long as the adjustment is based on the employee's 3534
ability to successfully administer those duties assigned to the 3535
employee. Salary adjustments shall not be made more frequently 3536
than once in any six-month period under this provision to 3537
incumbents holding the same position and classification. 3538

(I) When an employee is assigned to duty outside this 3539
state, the employee may be compensated, upon request of the 3540

department head and with the approval of the director of 3541
administrative services, at a rate not to exceed fifty per cent 3542
in excess of the employee's current base rate for the period of 3543
time spent on that duty. 3544

(J) Unless compensation for members of a board or 3545
commission is otherwise specifically provided by law, the 3546
director of administrative services shall establish the rate and 3547
method of payment for members of boards and commissions pursuant 3548
to the pay schedules listed in section 124.152 of the Revised 3549
Code. 3550

(K) Regular full-time employees in positions assigned to 3551
classes within the instruction and education administration 3552
series under the job classification plans of the director of 3553
administrative services, except certificated employees on the 3554
instructional staff of the state school for the blind or the 3555
state school for the deaf, whose positions are scheduled to work 3556
on the basis of an academic year rather than a full calendar 3557
year, shall be paid according to the pay range assigned by the 3558
applicable job classification plan, but only during those pay 3559
periods included in the academic year of the school where the 3560
employee is located. 3561

(1) Part-time or substitute teachers or those whose period 3562
of employment is other than the full academic year shall be 3563
compensated for the actual time worked at the rate established 3564
by this section. 3565

(2) Employees governed by this division are exempt from 3566
sections 124.13 and 124.19 of the Revised Code. 3567

(3) Length of service for the purpose of determining 3568
eligibility for step advancements as provided by division (G) of 3569

this section and for the purpose of determining eligibility for 3570
longevity pay supplements as provided by division (E) of section 3571
124.181 of the Revised Code shall be computed on the basis of 3572
one full year of service for the completion of each academic 3573
year. 3574

(L) The superintendent of the state school for the deaf 3575
and the superintendent of the state school for the blind shall, 3576
subject to the approval of the ~~superintendent of public~~ 3577
~~instruction~~director of education and workforce, carry out both 3578
of the following: 3579

(1) Annually, between the first day of April and the last 3580
day of June, establish for the ensuing fiscal year a schedule of 3581
hourly rates for the compensation of each certificated employee 3582
on the instructional staff of that superintendent's respective 3583
school constructed as follows: 3584

(a) Determine for each level of training, experience, and 3585
other professional qualification for which an hourly rate is set 3586
forth in the current schedule, the per cent that rate is of the 3587
rate set forth in such schedule for a teacher with a bachelor's 3588
degree and no experience. If there is more than one such rate 3589
for such a teacher, the lowest rate shall be used to make the 3590
computation. 3591

(b) Determine which six city, local, and exempted village 3592
school districts with territory in Franklin county have in 3593
effect on, or have adopted by, the first day of April for the 3594
school year that begins on the ensuing first day of July, 3595
teacher salary schedules with the highest minimum salaries for a 3596
teacher with a bachelor's degree and no experience; 3597

(c) Divide the sum of such six highest minimum salaries by 3598

ten thousand five hundred sixty; 3599

(d) Multiply each per cent determined in division (L) (1) 3600
(a) of this section by the quotient obtained in division (L) (1) 3601
(c) of this section; 3602

(e) One hundred five per cent of each product thus 3603
obtained shall be the hourly rate for the corresponding level of 3604
training, experience, or other professional qualification in the 3605
schedule for the ensuing fiscal year. 3606

(2) Annually, assign each certificated employee on the 3607
instructional staff of the superintendent's respective school to 3608
an hourly rate on the schedule that is commensurate with the 3609
employee's training, experience, and other professional 3610
qualifications. 3611

If an employee is employed on the basis of an academic 3612
year, the employee's annual salary shall be calculated by 3613
multiplying the employee's assigned hourly rate times one 3614
thousand seven hundred sixty. If an employee is not employed on 3615
the basis of an academic year, the employee's annual salary 3616
shall be calculated in accordance with the following formula: 3617

(a) Multiply the number of days the employee is required 3618
to work pursuant to the employee's contract by eight; 3619

(b) Multiply the product of division (L) (2) (a) of this 3620
section by the employee's assigned hourly rate. 3621

Each employee shall be paid an annual salary in biweekly 3622
installments. The amount of each installment shall be calculated 3623
by dividing the employee's annual salary by the number of 3624
biweekly installments to be paid during the year. 3625

Sections 124.13 and 124.19 of the Revised Code do not 3626

apply to an employee who is paid under this division. 3627

As used in this division, "academic year" means the number 3628
of days in each school year that the schools are required to be 3629
open for instruction with pupils in attendance. Upon completing 3630
an academic year, an employee paid under this division shall be 3631
deemed to have completed one year of service. An employee paid 3632
under this division is eligible to receive a pay supplement 3633
under division (L) (1), (2), or (3) of section 124.181 of the 3634
Revised Code for which the employee qualifies, but is not 3635
eligible to receive a pay supplement under division (L) (4) or 3636
(5) of that section. An employee paid under this division is 3637
eligible to receive a pay supplement under division (L) (6) of 3638
section 124.181 of the Revised Code for which the employee 3639
qualifies, except that the supplement is not limited to a 3640
maximum of five per cent of the employee's regular base salary 3641
in a calendar year. 3642

(M) Division (A) of this section does not apply to "exempt 3643
employees," as defined in section 124.152 of the Revised Code, 3644
who are paid under that section. 3645

Notwithstanding any other provisions of this chapter, when 3646
an employee transfers between bargaining units or transfers out 3647
of or into a bargaining unit, the director of administrative 3648
services shall establish the employee's compensation and adjust 3649
the maximum leave accrual schedule as the director deems 3650
equitable. 3651

Sec. 124.382. (A) As used in this section and sections 3652
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 3653

(1) "Pay period" means the fourteen-day period of time 3654
during which the payroll is accumulated, as determined by the 3655

director of administrative services. 3656

(2) "Active pay status" means the conditions under which 3657
an employee is eligible to receive pay, and includes, but is not 3658
limited to, vacation leave, sick leave, personal leave, 3659
bereavement leave, and administrative leave. 3660

(3) "No pay status" means the conditions under which an 3661
employee is ineligible to receive pay and includes, but is not 3662
limited to, leave without pay, leave of absence, and disability 3663
leave. 3664

(4) "Disability leave" means the leave granted pursuant to 3665
section 124.385 of the Revised Code. 3666

(5) "Full-time permanent employee" means an employee whose 3667
regular hours of duty total eighty hours in a pay period in a 3668
state agency and whose appointment is not for a limited period 3669
of time. 3670

(6) "Base rate of pay" means the rate of pay established 3671
under schedule B or C of section 124.15 of the Revised Code or 3672
under schedule E-1 or schedule E-2 of section 124.152 of the 3673
Revised Code, plus any supplement provided under section 124.181 3674
of the Revised Code, plus any supplements enacted into law which 3675
are added to schedule B or C of section 124.15 of the Revised 3676
Code or to schedule E-1 or schedule E-2 of section 124.152 of 3677
the Revised Code. 3678

(7) "Part-time permanent employee" means an employee whose 3679
regular hours of duty total less than eighty hours in a pay 3680
period in a state agency and whose appointment is not for a 3681
limited period of time. 3682

(B) Each full-time permanent and part-time permanent 3683
employee whose salary or wage is paid directly by warrant of the 3684

director of budget and management shall be credited with sick 3685
leave of three and one-tenth hours for each completed eighty 3686
hours of service, excluding overtime hours worked. Sick leave is 3687
not available for use until it appears on the employee's earning 3688
statement and the compensation described in the earning 3689
statement is available to the employee. 3690

(C) Any sick leave credit provided pursuant to division 3691
(B) of this section, remaining as of the last day of the pay 3692
period preceding the first paycheck the employee receives in 3693
December, shall be converted pursuant to section 124.383 of the 3694
Revised Code. 3695

(D) Employees may use sick leave, provided a credit 3696
balance is available, upon approval of the responsible 3697
administrative officer of the employing unit, for absence due to 3698
personal illness, pregnancy, injury, exposure to contagious 3699
disease that could be communicated to other employees, and 3700
illness, injury, or death in the employee's immediate family. 3701
When sick leave is used, it shall be deducted from the 3702
employee's credit on the basis of absence from previously 3703
scheduled work in such increments of an hour and at such a 3704
compensation rate as the director of administrative services 3705
determines. The appointing authority of each employing unit may 3706
require an employee to furnish a satisfactory, signed statement 3707
to justify the use of sick leave. 3708

If, after having utilized the credit provided by this 3709
section, an employee utilizes sick leave that was accumulated 3710
prior to November 15, 1981, compensation for such sick leave 3711
used shall be at a rate as the director determines. 3712

(E) (1) The previously accumulated sick leave balance of an 3713
employee who has been separated from the public service, for 3714

which separation payments pursuant to section 124.384 of the Revised Code have not been made, shall be placed to the employee's credit upon the employee's reemployment in the public service, if the reemployment takes place within ten years of the date on which the employee was last terminated from public service.

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

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

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

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

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

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

(H) As used in this division, "active payroll" means conditions under which an employee is in active pay status or eligible to receive pay for an approved leave of absence, including, but not limited to, occupational injury leave,

disability leave, or workers' compensation. 3744

(1) Employees who are in active payroll status on June 18, 3745
2011, shall receive a one-time credit of additional sick leave 3746
in the pay period that begins on July 1, 2011. Full-time 3747
employees shall receive the lesser of either a one-time credit 3748
of thirty-two hours of additional sick leave or a one-time 3749
credit of additional sick leave equivalent to half the hours of 3750
personal leave the employee lost during the moratorium 3751
established under either division (A) of section 124.386 of the 3752
Revised Code or pursuant to a rule of the director of 3753
administrative services. Part-time employees shall receive a 3754
one-time credit of sixteen hours of additional sick leave. 3755

(2) Employees who are not in active payroll status due to 3756
military leave or an absence taken in accordance with the 3757
federal "Family and Medical Leave Act" are eligible to receive 3758
the one-time additional sick leave credit. 3759

(3) The one-time additional sick leave credit does not 3760
apply to employees of the supreme court, general assembly, 3761
legislative service commission, secretary of state, auditor of 3762
state, treasurer of state, or attorney general unless the 3763
supreme court, general assembly, legislative service commission, 3764
secretary of state, auditor of state, treasurer of state, or 3765
attorney general participated in the moratorium under division 3766
(H) or (I) of section 124.386 of the Revised Code and notifies 3767
in writing the director of administrative services on or before 3768
June 1, 2011, of the decision to participate in the one-time 3769
additional sick leave credit. Written notice under this division 3770
shall be signed by the appointing authority for employees of the 3771
supreme court, general assembly, or legislative service 3772
commission, as the case may be. 3773

Sec. 124.384. (A) Except as otherwise provided in this 3774
section, employees whose salaries or wages are paid by warrant 3775
of the director of budget and management and who have 3776
accumulated sick leave under section 124.38 or 124.382 of the 3777
Revised Code shall be paid for a percentage of their accumulated 3778
balances, upon separation for any reason, including death but 3779
excluding retirement, at their last base rate of pay at the rate 3780
of one hour of pay for every two hours of accumulated balances. 3781
An employee who retires in accordance with any retirement plan 3782
offered by the state shall be paid upon retirement for each hour 3783
of the employee's accumulated sick leave balance at a rate of 3784
fifty-five per cent of the employee's last base rate of pay. 3785

An employee serving in a temporary work level who elects 3786
to convert unused sick leave to cash shall do so at the base 3787
rate of pay of the employee's normal classification. If an 3788
employee dies, the employee's unused sick leave shall be paid in 3789
accordance with section 2113.04 of the Revised Code or to the 3790
employee's estate. 3791

In order to be eligible for the payment authorized by this 3792
section, an employee shall have at least one year of state 3793
service and shall request all or a portion of that payment no 3794
later than three years after separation from state service. No 3795
person is eligible to receive all or a portion of the payment 3796
authorized by this section at any time later than three years 3797
after the person's separation from state service. 3798

(B) A person initially employed on or after July 5, 1987, 3799
by a state agency in which the employees' salaries or wages are 3800
paid directly by warrant of the director of budget and 3801
management shall receive payment under this section only for 3802
sick leave accumulated while employed by state agencies in which 3803

the employees' salaries or wages are paid directly by warrant of 3804
the director of budget and management. Additionally, a person 3805
initially employed on or after July 5, 1987, but before October 3806
1, 2017, by the state department of education and workforce as 3807
an unclassified employee shall receive payment under this 3808
section for sick leave placed to the employee's credit under 3809
division (E) (2) of section 124.382 of the Revised Code. 3810

(C) For employees paid in accordance with section 124.152 3811
of the Revised Code and those employees listed in divisions (B) 3812
(2) and (4) of section 124.14 of the Revised Code, the director 3813
of administrative services, with the approval of the director of 3814
budget and management, may establish a plan for early payment of 3815
accrued sick leave and vacation leave. 3816

Sec. 125.05. Except as provided in division (D) or (E) of 3817
this section, no state agency shall purchase any supplies or 3818
services except as provided in divisions (A) to (C) of this 3819
section. 3820

(A) A state agency may, without competitive selection, 3821
make any purchase of supplies or services that cost less than 3822
fifty thousand dollars after complying with divisions (A) to (E) 3823
of section 125.035 of the Revised Code. The agency may make the 3824
purchase directly or may make the purchase from or through the 3825
department of administrative services, whichever the agency 3826
determines. The agency shall adopt written procedures consistent 3827
with the department's purchasing procedures and shall use those 3828
procedures when making purchases under this division. 3829

Section 127.16 of the Revised Code does not apply to 3830
purchases made under this division. 3831

(B) A state agency shall make purchases of supplies and 3832

services that cost fifty thousand dollars or more through the 3833
department of administrative services and the process provided 3834
in section 125.035 of the Revised Code, unless the department 3835
grants a waiver under division (D) or (E) of that section and a 3836
release and permit under division (G) of that section. 3837

(C) An agency that has been granted a release and permit 3838
under division (G) of section 125.035 of the Revised Code to 3839
make a purchase may make the purchase without competitive 3840
selection if after making the purchase the cumulative purchase 3841
threshold as computed under division (E) of section 127.16 of 3842
the Revised Code would: 3843

(1) Be exceeded and the controlling board approves the 3844
purchase; 3845

(2) Not be exceeded and the department of administrative 3846
services approves the purchase. 3847

(D) If the department of education and workforce or the 3848
Ohio education computer network determines that it can purchase 3849
software services or supplies for specified school districts at 3850
a price less than the price for which the districts could 3851
purchase the same software services or supplies for themselves, 3852
the department or network shall certify that fact to the 3853
department of administrative services and, acting as an agent 3854
for the specified school districts, shall make that purchase 3855
without following the provisions in divisions (A) to (D) of this 3856
section. 3857

(E) When the purchase cost of personal protective 3858
equipment is less than fifty thousand dollars, a state agency 3859
shall comply with divisions (A) to (E) of section 125.035 of the 3860
Revised Code. If the purchase is not subject to the requirements 3861

of an applicable first or second requisite procurement program, 3862
the agency shall apply the same preferences in section 125.09 of 3863
the Revised Code when making the purchase. As used in this 3864
division, "personal protective equipment" means equipment worn 3865
to minimize exposure to hazards that cause workplace injuries 3866
and illnesses. 3867

Sec. 125.13. (A) As used in this section: 3868

(1) "Emergency medical service organization" has the same 3869
meaning as in section 4765.01 of the Revised Code. 3870

(2) "Private fire company" has the same meaning as in 3871
section 9.60 of the Revised Code. 3872

(B) Whenever a state agency has excess or surplus 3873
supplies, it shall notify the director of administrative 3874
services. On forms provided by the director, the state agency 3875
shall furnish to the director a list of its excess and surplus 3876
supplies, including the location of the supplies and whether the 3877
supplies are currently in the agency's control. 3878

(C) Upon receipt of notification and at no cost to the 3879
state agency, the director of administrative services shall make 3880
arrangements for their disposition and shall take immediate 3881
control of a state agency's excess and surplus supplies, except 3882
for the following excess and surplus supplies: 3883

(1) Excess or surplus supplies that have a value below the 3884
minimum value that the director establishes for excess and 3885
surplus supplies under division (F) of this section; 3886

(2) Excess or surplus supplies that the director has 3887
authorized an agency to donate to a governmental agency, 3888
including, but not limited to, public schools and surplus 3889
computers and computer equipment transferred to a public school 3890

under division (G) of this section;	3891
(3) Excess or surplus supplies that an agency trades in as full or partial payment when purchasing a replacement item;	3892 3893
(4) Hazardous property;	3894
(5) Excess or surplus supplies that the director has authorized to be part of an interagency transfer;	3895 3896
(6) Excess or surplus supplies that are donated under division (H) of this section.	3897 3898
(D) The director shall inventory excess and surplus supplies in the director's control and post on a public web site a list of the supplies available for acquisition. The director may have the supplies repaired. The director shall not charge a fee for the collection or transportation of excess and surplus supplies.	3899 3900 3901 3902 3903 3904
(E) The director may do any of the following:	3905
(1) Dispose of declared surplus or excess supplies in the director's control by sale, lease, donation, or transfer. If the director does so, the director shall dispose of those supplies in any of the following manners:	3906 3907 3908 3909
(a) To state agencies or by interagency trade;	3910
(b) To state-supported or state-assisted institutions of higher education;	3911 3912
(c) To tax-supported agencies, municipal corporations, or other political subdivisions of this state, private fire companies, or private, nonprofit emergency medical service organizations;	3913 3914 3915 3916
(d) To nonpublic elementary and secondary schools	3917

chartered by the ~~state board~~ department of education and 3918
workforce under section 3301.16 of the Revised Code; 3919

(e) To a nonprofit organization that is both exempt from 3920
federal income taxation under 26 U.S.C. 501(a) and (c) (3) and 3921
that receives funds from the state or has a contract with the 3922
state; 3923

(f) To the general public by auction, sealed bid, sale, or 3924
negotiation. 3925

(2) If the director has attempted to dispose of any 3926
declared surplus or excess motor vehicle that does not exceed 3927
four thousand five hundred dollars in value pursuant to 3928
divisions (E) (1) (a) to (c) of this section, donate the motor 3929
vehicle to a nonprofit organization exempt from federal income 3930
taxation pursuant to 26 U.S.C. 501(a) and (c) (3) for the purpose 3931
of meeting the transportation needs of participants in the Ohio 3932
works first program established under Chapter 5107. of the 3933
Revised Code and participants in the prevention, retention, and 3934
contingency program established under Chapter 5108. of the 3935
Revised Code. The director may not donate a motor vehicle 3936
furnished to the state highway patrol to a nonprofit 3937
organization pursuant to this division. 3938

(F) The director may adopt rules governing the sale, 3939
lease, or transfer of surplus and excess supplies in the 3940
director's control by public auction, sealed bid, sale, or 3941
negotiation, except that no employee of the disposing agency 3942
shall be allowed to purchase, lease, or receive any such 3943
supplies. The director may dispose of declared surplus or excess 3944
supplies, including motor vehicles, in the director's control as 3945
the director determines proper if such supplies cannot be 3946
disposed of pursuant to division (E) of this section. The 3947

director shall by rule establish a minimum value for excess and surplus supplies and prescribe procedures for a state agency to follow in disposing of excess and surplus supplies in its control that have a value below the minimum value established by the director.

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

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

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

(B) Except as provided in divisions (E), (F), and (I) of this section, a school district shall not incur net indebtedness that exceeds an amount equal to nine per cent of its tax valuation.

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

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

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

(D) In calculating the net indebtedness of a school district, none of the following shall be considered:

(1) Securities issued to acquire school buses and other

equipment used in transporting pupils or issued pursuant to 4007
division (D) of section 133.10 of the Revised Code; 4008

(2) Securities issued under division (F) of this section 4009
and, to the extent in excess of the limitation stated in 4010
division (B) of this section, under division (E) of this 4011
section; 4012

(3) Indebtedness resulting from the dissolution of a joint 4013
vocational school district under section 3311.217 of the Revised 4014
Code, evidenced by outstanding securities of that joint 4015
vocational school district; 4016

(4) Loans, evidenced by any securities, received under 4017
sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code; 4018

(5) Debt incurred under section 3313.374 of the Revised 4019
Code; 4020

(6) Debt incurred pursuant to division (B)(5) of section 4021
3313.37 of the Revised Code to acquire computers and related 4022
hardware; 4023

(7) Debt incurred under section 3318.042 of the Revised 4024
Code; 4025

(8) Debt incurred under section 5705.2112 or 5705.2113 of 4026
the Revised Code by the fiscal board of a qualifying partnership 4027
of which the school district is a participating school district. 4028

(E) A school district may become a special needs district 4029
as to certain securities as provided in division (E) of this 4030
section. 4031

(1) A board of education, by resolution, may declare its 4032
school district to be a special needs district by determining 4033
both of the following: 4034

(a) The student population is not being adequately 4035
serviced by the existing permanent improvements of the district. 4036

(b) The district cannot obtain sufficient funds by the 4037
issuance of securities within the limitation of division (B) of 4038
this section to provide additional or improved needed permanent 4039
improvements in time to meet the needs. 4040

(2) The board of education shall certify a copy of that 4041
resolution to the ~~superintendent of public instruction~~ director 4042
of education and workforce with a statistical report showing all 4043
of the following: 4044

(a) The history of and a projection of the growth of the 4045
tax valuation; 4046

(b) The projected needs; 4047

(c) The estimated cost of permanent improvements proposed 4048
to meet such projected needs. 4049

(3) The ~~superintendent of public instruction~~ director of 4050
education and workforce shall certify the district as an 4051
approved special needs district if the ~~superintendent~~ director 4052
finds both of the following: 4053

(a) The district does not have available sufficient 4054
additional funds from state or federal sources to meet the 4055
projected needs. 4056

(b) The projection of the potential average growth of tax 4057
valuation during the next five years, according to the 4058
information certified to the ~~superintendent~~ director and any 4059
other information the ~~superintendent~~ director obtains, indicates 4060
a likelihood of potential average growth of tax valuation of the 4061
district during the next five years of an average of not less 4062

than one and one-half per cent per year. The findings and 4063
certification of the ~~superintendent~~director shall be 4064
conclusive. 4065

(4) An approved special needs district may incur net 4066
indebtedness by the issuance of securities in accordance with 4067
the provisions of this chapter in an amount that does not exceed 4068
an amount equal to the greater of the following: 4069

(a) Twelve per cent of the sum of its tax valuation plus 4070
an amount that is the product of multiplying that tax valuation 4071
by the percentage by which the tax valuation has increased over 4072
the tax valuation on the first day of the sixtieth month 4073
preceding the month in which its board determines to submit to 4074
the electors the question of issuing the proposed securities; 4075

(b) Twelve per cent of the sum of its tax valuation plus 4076
an amount that is the product of multiplying that tax valuation 4077
by the percentage, determined by the ~~superintendent of public~~ 4078
~~instruction~~director of education and workforce, by which that 4079
tax valuation is projected to increase during the next ten 4080
years. 4081

(F) A school district may issue securities for emergency 4082
purposes, in a principal amount that does not exceed an amount 4083
equal to three per cent of its tax valuation, as provided in 4084
this division. 4085

(1) A board of education, by resolution, may declare an 4086
emergency if it determines both of the following: 4087

(a) School buildings or other necessary school facilities 4088
in the district have been wholly or partially destroyed, or 4089
condemned by a constituted public authority, or that such 4090
buildings or facilities are partially constructed, or so 4091

constructed or planned as to require additions and improvements 4092
to them before the buildings or facilities are usable for their 4093
intended purpose, or that corrections to permanent improvements 4094
are necessary to remove or prevent health or safety hazards. 4095

(b) Existing fiscal and net indebtedness limitations make 4096
adequate replacement, additions, or improvements impossible. 4097

(2) Upon the declaration of an emergency, the board of 4098
education may, by resolution, submit to the electors of the 4099
district pursuant to section 133.18 of the Revised Code the 4100
question of issuing securities for the purpose of paying the 4101
cost, in excess of any insurance or condemnation proceeds 4102
received by the district, of permanent improvements to respond 4103
to the emergency need. 4104

(3) The procedures for the election shall be as provided 4105
in section 133.18 of the Revised Code, except that: 4106

(a) The form of the ballot shall describe the emergency 4107
existing, refer to this division as the authority under which 4108
the emergency is declared, and state that the amount of the 4109
proposed securities exceeds the limitations prescribed by 4110
division (B) of this section; 4111

(b) The resolution required by division (B) of section 4112
133.18 of the Revised Code shall be certified to the county 4113
auditor and the board of elections at least one hundred days 4114
prior to the election; 4115

(c) The county auditor shall advise and, not later than 4116
ninety-five days before the election, confirm that advice by 4117
certification to, the board of education of the information 4118
required by division (C) of section 133.18 of the Revised Code; 4119

(d) The board of education shall then certify its 4120

resolution and the information required by division (D) of 4121
section 133.18 of the Revised Code to the board of elections not 4122
less than ninety days prior to the election. 4123

(4) Notwithstanding division (B) of section 133.21 of the 4124
Revised Code, the first principal payment of securities issued 4125
under this division may be set at any date not later than sixty 4126
months after the earliest possible principal payment otherwise 4127
provided for in that division. 4128

(G) (1) The board of education may contract with an 4129
architect, professional engineer, or other person experienced in 4130
the design and implementation of energy conservation measures 4131
for an analysis and recommendations pertaining to installations, 4132
modifications of installations, or remodeling that would 4133
significantly reduce energy consumption in buildings owned by 4134
the district. The report shall include estimates of all costs of 4135
such installations, modifications, or remodeling, including 4136
costs of design, engineering, installation, maintenance, 4137
repairs, measurement and verification of energy savings, and 4138
debt service, forgone residual value of materials or equipment 4139
replaced by the energy conservation measure, as defined by the 4140
Ohio facilities construction commission, a baseline analysis of 4141
actual energy consumption data for the preceding three years 4142
with the utility baseline based on only the actual energy 4143
consumption data for the preceding twelve months, and estimates 4144
of the amounts by which energy consumption and resultant 4145
operational and maintenance costs, as defined by the commission, 4146
would be reduced. 4147

If the board finds after receiving the report that the 4148
amount of money the district would spend on such installations, 4149
modifications, or remodeling is not likely to exceed the amount 4150

of money it would save in energy and resultant operational and 4151
maintenance costs over the ensuing fifteen years, the board may 4152
submit to the commission a copy of its findings and a request 4153
for approval to incur indebtedness to finance the making or 4154
modification of installations or the remodeling of buildings for 4155
the purpose of significantly reducing energy consumption. 4156

The facilities construction commission, in consultation 4157
with the auditor of state, may deny a request under division (G) 4158
(1) of this section by the board of education of any school 4159
district that is in a state of fiscal watch pursuant to division 4160
(A) of section 3316.03 of the Revised Code, if it determines 4161
that the expenditure of funds is not in the best interest of the 4162
school district. 4163

No district board of education of a school district that 4164
is in a state of fiscal emergency pursuant to division (B) of 4165
section 3316.03 of the Revised Code shall submit a request 4166
without submitting evidence that the installations, 4167
modifications, or remodeling have been approved by the 4168
district's financial planning and supervision commission 4169
established under section 3316.05 of the Revised Code. 4170

No board of education of a school district for which an 4171
academic distress commission has been established under section 4172
3302.10 of the Revised Code shall submit a request without first 4173
receiving approval to incur indebtedness from the district's 4174
academic distress commission established under that section, for 4175
so long as such commission continues to be required for the 4176
district. 4177

(2) The board of education may contract with a person 4178
experienced in the implementation of student transportation to 4179
produce a report that includes an analysis of and 4180

recommendations for the use of alternative fuel vehicles by 4181
school districts. The report shall include cost estimates 4182
detailing the return on investment over the life of the 4183
alternative fuel vehicles and environmental impact of 4184
alternative fuel vehicles. The report also shall include 4185
estimates of all costs associated with alternative fuel 4186
transportation, including facility modifications and vehicle 4187
purchase costs or conversion costs. 4188

If the board finds after receiving the report that the 4189
amount of money the district would spend on purchasing 4190
alternative fuel vehicles or vehicle conversion is not likely to 4191
exceed the amount of money it would save in fuel and resultant 4192
operational and maintenance costs over the ensuing five years, 4193
the board may submit to the commission a copy of its findings 4194
and a request for approval to incur indebtedness to finance the 4195
purchase of new alternative fuel vehicles or vehicle conversions 4196
for the purpose of reducing fuel costs. 4197

The facilities construction commission, in consultation 4198
with the auditor of state, may deny a request under division (G) 4199
(2) of this section by the board of education of any school 4200
district that is in a state of fiscal watch pursuant to division 4201
(A) of section 3316.03 of the Revised Code, if it determines 4202
that the expenditure of funds is not in the best interest of the 4203
school district. 4204

No district board of education of a school district that 4205
is in a state of fiscal emergency pursuant to division (B) of 4206
section 3316.03 of the Revised Code shall submit a request 4207
without submitting evidence that the purchase or conversion of 4208
alternative fuel vehicles has been approved by the district's 4209
financial planning and supervision commission established under 4210

section 3316.05 of the Revised Code. 4211

No board of education of a school district for which an 4212
academic distress commission has been established under section 4213
3302.10 of the Revised Code shall submit a request without first 4214
receiving approval to incur indebtedness from the district's 4215
academic distress commission established under that section, for 4216
so long as such commission continues to be required for the 4217
district. 4218

(3) The facilities construction commission shall approve 4219
the board's request provided that the following conditions are 4220
satisfied: 4221

(a) The commission determines that the board's findings 4222
are reasonable. 4223

(b) The request for approval is complete. 4224

(c) If the request was submitted under division (G) (1) of 4225
this section, the installations, modifications, or remodeling 4226
are consistent with any project to construct or acquire 4227
classroom facilities, or to reconstruct or make additions to 4228
existing classroom facilities under sections 3318.01 to 3318.20 4229
or sections 3318.40 to 3318.45 of the Revised Code. 4230

Upon receipt of the commission's approval, the district 4231
may issue securities without a vote of the electors in a 4232
principal amount not to exceed nine-tenths of one per cent of 4233
its tax valuation for the purpose specified in division (G) (1) 4234
or (2) of this section, but the total net indebtedness of the 4235
district without a vote of the electors incurred under this and 4236
all other sections of the Revised Code, except section 3318.052 4237
of the Revised Code, shall not exceed one per cent of the 4238
district's tax valuation. 4239

(4) (a) So long as any securities issued under division (G) 4240
(1) of this section remain outstanding, the board of education 4241
shall monitor the energy consumption and resultant operational 4242
and maintenance costs of buildings in which installations or 4243
modifications have been made or remodeling has been done 4244
pursuant to that division. Except as provided in division (G) (4) 4245
(b) of this section, the board shall maintain and annually 4246
update a report in a form and manner prescribed by the 4247
facilities construction commission documenting the reductions in 4248
energy consumption and resultant operational and maintenance 4249
cost savings attributable to such installations, modifications, 4250
or remodeling. The resultant operational and maintenance cost 4251
savings shall be certified by the school district treasurer. The 4252
report shall be submitted annually to the commission. 4253

(b) If the facilities construction commission verifies 4254
that the certified annual reports submitted to the commission by 4255
a board of education under division (G) (4) (a) of this section 4256
fulfill the guarantee required under division (B) of section 4257
3313.372 of the Revised Code for three consecutive years, the 4258
board of education shall no longer be subject to the annual 4259
reporting requirements of division (G) (4) (a) of this section. 4260

(5) So long as any securities issued under division (G) (2) 4261
of this section remain outstanding, the board of education shall 4262
monitor the purchase of new alternative fuel vehicles or vehicle 4263
conversions pursuant to that division. The board shall maintain 4264
and annually update a report in a form and manner prescribed by 4265
the facilities construction commission documenting the purchase 4266
of new alternative fuel vehicles or vehicle conversions, the 4267
associated environmental impact, and return on investment. The 4268
resultant fuel and operational and maintenance cost savings 4269
shall be certified by the school district treasurer. The report 4270

shall be submitted annually to the commission. 4271

(H) With the consent of the ~~superintendent of public~~ 4272
~~instruction~~director of education and workforce, a school 4273
district may incur without a vote of the electors net 4274
indebtedness that exceeds the amounts stated in divisions (A) 4275
and (G) of this section for the purpose of paying costs of 4276
permanent improvements, if and to the extent that both of the 4277
following conditions are satisfied: 4278

(1) The fiscal officer of the school district estimates 4279
that receipts of the school district from payments made under or 4280
pursuant to agreements entered into pursuant to section 725.02, 4281
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 4282
5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 4283
or 5709.82 of the Revised Code, or distributions under division 4284
(C) of section 5709.43 or division (B) of section 5709.47 of the 4285
Revised Code, or any combination thereof, are, after accounting 4286
for any appropriate coverage requirements, sufficient in time 4287
and amount, and are committed by the proceedings, to pay the 4288
debt charges on the securities issued to evidence that 4289
indebtedness and payable from those receipts, and the taxing 4290
authority of the district confirms the fiscal officer's 4291
estimate, which confirmation is approved by the ~~superintendent-~~ 4292
~~of public instruction~~director of education and workforce; 4293

(2) The fiscal officer of the school district certifies, 4294
and the taxing authority of the district confirms, that the 4295
district, at the time of the certification and confirmation, 4296
reasonably expects to have sufficient revenue available for the 4297
purpose of operating such permanent improvements for their 4298
intended purpose upon acquisition or completion thereof, and the 4299
~~superintendent of public instruction~~director of education and 4300

workforce approves the taxing authority's confirmation. 4301

The maximum maturity of securities issued under division 4302
(H) of this section shall be the lesser of twenty years or the 4303
maximum maturity calculated under section 133.20 of the Revised 4304
Code. 4305

(I) A school district may incur net indebtedness by the 4306
issuance of securities in accordance with the provisions of this 4307
chapter in excess of the limit specified in division (B) or (C) 4308
of this section when necessary to raise the school district 4309
portion of the basic project cost and any additional funds 4310
necessary to participate in a project under Chapter 3318. of the 4311
Revised Code, including the cost of items designated by the 4312
facilities construction commission as required locally funded 4313
initiatives, the cost of other locally funded initiatives in an 4314
amount that does not exceed fifty per cent of the district's 4315
portion of the basic project cost, and the cost for site 4316
acquisition. A school district shall notify the ~~superintendent~~ 4317
~~of public instruction~~ director of education and workforce 4318
whenever that district will exceed either limit pursuant to this 4319
division. 4320

(J) A school district whose portion of the basic project 4321
cost of its classroom facilities project under sections 3318.01 4322
to 3318.20 of the Revised Code is greater than or equal to one 4323
hundred million dollars may incur without a vote of the electors 4324
net indebtedness in an amount up to two per cent of its tax 4325
valuation through the issuance of general obligation securities 4326
in order to generate all or part of the amount of its portion of 4327
the basic project cost if the controlling board has approved the 4328
facilities construction commission's conditional approval of the 4329
project under section 3318.04 of the Revised Code. The school 4330

district board and the Ohio facilities construction commission 4331
shall include the dedication of the proceeds of such securities 4332
in the agreement entered into under section 3318.08 of the 4333
Revised Code. No state moneys shall be released for a project to 4334
which this section applies until the proceeds of any bonds 4335
issued under this section that are dedicated for the payment of 4336
the school district portion of the project are first deposited 4337
into the school district's project construction fund. 4338

Sec. 133.061. (A) This section applies only to a school 4339
district that satisfies all of the following conditions: 4340

(1) The district, prior to June 30, 2007, undertook a 4341
classroom facilities project under section 3318.37 of the 4342
Revised Code. 4343

(2) The district will undertake a subsequent classroom 4344
facilities project under section 3318.37 of the Revised Code 4345
that will consist of a single building housing grades six 4346
through twelve. 4347

(3) The district's project described in division (A) (2) of 4348
this section will include locally funded initiatives that are 4349
not required by the Ohio facilities construction commission. 4350

(4) The district's project described in division (A) (2) of 4351
this section will commence within two years after June 30, 2007. 4352

(B) Notwithstanding any other provision of law to the 4353
contrary, a school district to which this section applies may 4354
incur net indebtedness by the issuance of securities in 4355
accordance with the provisions of this chapter in excess of the 4356
limit specified in division (B) or (C) of section 133.06 of the 4357
Revised Code when necessary to raise the school district portion 4358
of the basic project cost and any additional funds necessary to 4359

participate in the classroom facilities project described in 4360
division (A) (2) of this section, including the cost of items 4361
designated by the Ohio facilities construction commission as 4362
required locally funded initiatives, the cost for site 4363
acquisition, and the cost of the locally funded initiatives that 4364
are not required by the commission described in division (A) (3) 4365
of this section, as long as the district's total net 4366
indebtedness after the issuance of those securities does not 4367
exceed one hundred twenty-five per cent of the limit prescribed 4368
in division (B) of section 133.06 of the Revised Code and the 4369
electors of the district approve the issuance of those 4370
securities. 4371

The facilities construction commission shall notify the 4372
~~superintendent of public instruction~~ director of education and 4373
workforce whenever a school district will exceed either limit 4374
pursuant to this section. 4375

Sec. 135.142. (A) In addition to the investments 4376
authorized by section 135.14 of the Revised Code, any board of 4377
education, by a two-thirds vote of its members, may authorize 4378
the treasurer of the board of education to invest up to forty 4379
per cent of the interim moneys of the board, available for 4380
investment at any one time, in either of the following: 4381

(1) Commercial paper notes issued by any entity that is 4382
defined in ~~division (D) of section 1705.01 or division (E) (K)~~ 4383
of section 1706.01 of the Revised Code and has assets exceeding 4384
five hundred million dollars, and to which notes all of the 4385
following apply: 4386

(a) The notes are rated at the time of purchase in the 4387
highest classification established by at least two nationally 4388
recognized standard rating services. 4389

(b) The aggregate value of the notes does not exceed ten 4390
per cent of the aggregate value of the outstanding commercial 4391
paper of the issuing corporation. 4392

(c) The notes mature no later than two hundred seventy 4393
days after purchase. 4394

(d) The investment in commercial paper notes of a single 4395
issuer shall not exceed in the aggregate five per cent of 4396
interim moneys of the board available for investment at the time 4397
of purchase. 4398

(2) Bankers' acceptances of banks that are insured by the 4399
federal deposit insurance corporation and that mature no later 4400
than one hundred eighty days after purchase. 4401

(B) No investment authorized pursuant to division (A) of 4402
this section shall be made, whether or not authorized by a board 4403
of education, unless the treasurer of the board of education has 4404
completed additional training for making the types of 4405
investments authorized pursuant to division (A) of this section. 4406
The type and amount of such training shall be approved and may 4407
be conducted by or provided under the supervision of the 4408
treasurer of state. 4409

(C) The treasurer of the board of education shall prepare 4410
annually and submit to the board of education, the- 4411
~~superintendent of public instruction~~ director of education and 4412
workforce, and the auditor of state, on or before the thirty- 4413
first day of August, a report listing each investment made 4414
pursuant to division (A) of this section during the preceding 4415
fiscal year, income earned from such investments, fees and 4416
commissions paid pursuant to division (D) of this section, and 4417
any other information required by the board, the ~~superintendent~~ 4418

director, and the auditor of state. 4419

(D) A board of education may make appropriations and 4420
expenditures for fees and commissions in connection with 4421
investments made pursuant to division (A) of this section. 4422

(E) (1) In addition to the investments authorized by 4423
section 135.14 of the Revised Code and division (A) of this 4424
section, any board of education that is a party to an agreement 4425
with the treasurer of state pursuant to division (G) of section 4426
135.143 of the Revised Code and that has outstanding obligations 4427
issued under authority of section 133.10 of the Revised Code may 4428
authorize the treasurer of the board of education to invest 4429
interim moneys of the board in debt interests rated in either of 4430
the two highest rating classifications by at least two 4431
nationally recognized standard rating services and issued by 4432
entities that are defined in ~~division (D) of section 1705.01 or~~ 4433
~~division (E)~~ (K) of section 1706.01 of the Revised Code. The 4434
debt interests purchased under authority of division (E) of this 4435
section shall mature not later than the latest maturity date of 4436
the outstanding obligations issued under authority of section 4437
133.10 or 133.301 of the Revised Code. 4438

(2) If any of the debt interests acquired under division 4439
(E) (1) of this section ceases to be rated as there required, its 4440
issuer shall notify the treasurer of state of this fact within 4441
twenty-four hours. At any time thereafter the treasurer of state 4442
may require collateralization at the rate of one hundred two per 4443
cent of any remaining obligation of the entity, with securities 4444
authorized for investment under section 135.143 of the Revised 4445
Code. The collateral shall be delivered to and held by a 4446
custodian acceptable to the treasurer of state, marked to market 4447
daily, and any default to be cured within twelve hours. 4448

Unlimited substitution shall be allowed of comparable 4449
securities. 4450

Sec. 149.331. The state records program of the department 4451
of administrative services shall do all of the following: 4452

(A) Establish and promulgate in consultation with the 4453
state archivist standards, procedures, and techniques for the 4454
effective management of state records; 4455

(B) Review applications for one-time records disposal and 4456
schedules of records retention and destruction submitted by 4457
state agencies in accordance with section 149.333 of the Revised 4458
Code; 4459

(C) Establish "general schedules" proposing the disposal, 4460
after the lapse of specified periods of time, of records of 4461
specified form or character common to several or all agencies 4462
that either have accumulated or may accumulate in such agencies 4463
and that apparently will not, after the lapse of the periods 4464
specified, have sufficient administrative, legal, fiscal, or 4465
other value to warrant their further preservation by the state; 4466

(D) Establish and maintain a records management training 4467
program, and provide a basic consulting service, for personnel 4468
involved in record-making and record-keeping functions of 4469
departments, offices, and institutions; 4470

(E) Provide for the disposition of any remaining records 4471
of any state agency, board, or commission, whether in the 4472
executive, judicial, or legislative branch of government, that 4473
has terminated its operations. After the closing of the Ohio 4474
veterans' children's home, the resident records of the home and 4475
the resident records of the home when it was known as the 4476
soldiers' and sailors' orphans' home required to be maintained 4477

by approved records retention schedules shall be administered by 4478
the state department of education and workforce pursuant to this 4479
chapter, the administrative records of the home required to be 4480
maintained by approved records retention schedules shall be 4481
administered by the department of administrative services 4482
pursuant to this chapter, and historical records of the home 4483
shall be transferred to an appropriate archival institution in 4484
this state prescribed by the state records program. 4485

(F) Establish a centralized program coordinating 4486
micrographics standards, training, and services for the benefit 4487
of all state agencies; 4488

(G) Establish and publish in accordance with the 4489
applicable law necessary procedures and rules for the retention 4490
and disposal of state records. 4491

This section does not apply to the records of state- 4492
supported institutions of higher education, which shall keep 4493
their own records. 4494

Sec. 175.30. As used in sections 175.30 to 175.32 of the 4495
Revised Code: 4496

(A) "First home" or "home" means the first residential 4497
real property located in this state to be purchased by a 4498
recipient who has not owned or had an ownership interest in a 4499
principal residence in the three years prior to the purchase. 4500

(B) "Graduate" means an individual who has graduated from 4501
an institution of higher education and who is eligible under 4502
division (B) of section 175.31 of the Revised Code to apply for 4503
a grant, financial assistance, or down payment assistance 4504
awarded under the grants for grads program. 4505

(C) "Institution of higher education" means a state 4506

university or college located in this state, a private college 4507
or university located in this state that possesses a certificate 4508
of authorization issued by the ~~Ohio board of regents~~ chancellor 4509
of higher education under Chapter 1713. of the Revised Code, or 4510
an accredited college or university located outside this state 4511
that is accredited by an accrediting organization or 4512
professional accrediting association recognized by the ~~Ohio~~ 4513
~~board of regents~~ chancellor. 4514

(D) "Ohio resident" means any of the following: 4515

(1) An individual who was a resident of this state at the 4516
time of the individual's graduation from an Ohio public or 4517
nonpublic high school that is approved by the ~~state board~~ 4518
department of education and workforce, and who is a resident of 4519
this state at the time of applying for the program; 4520

(2) An individual who was a resident of this state at the 4521
time of completing, through the twelfth-grade level, a home 4522
study program approved by the ~~state board~~ department of 4523
education and workforce, and who is a resident of this state at 4524
the time of applying for the program; 4525

(3) An individual whose parent was a resident of this 4526
state at the time of the individual's graduation from high 4527
school, and who graduated from either of the following: 4528

(a) An out-of-state high school that was accredited by a 4529
regional accrediting organization recognized by the United 4530
States department of education and met standards at least 4531
equivalent to those adopted by the ~~state board~~ director of 4532
education and workforce for approval of nonpublic schools in 4533
this state; 4534

(b) A high school approved by the United States department 4535

of defense. 4536

(E) "Program" means the grants for grads program created 4537
under section 175.31 of the Revised Code. 4538

(F) "Recipient" means an individual who has been awarded a 4539
grant or has received financial assistance or down payment 4540
assistance under the program. 4541

Sec. 197.04. (A) The Holocaust and genocide memorial and 4542
education commission shall consist of fifteen members as 4543
follows: 4544

(1) Two members shall be members of the house of 4545
representatives appointed by the governor after consultation 4546
with the speaker of the house of representatives, with one 4547
member being from the majority party and one member being from 4548
the minority party, to serve a term of the remainder of the 4549
general assembly during which the representative is appointed. 4550

(2) Two members shall be members of the senate appointed 4551
by the governor after consultation with the president of the 4552
senate, with one member being from the majority party and one 4553
member being from the minority party, to serve a term of the 4554
remainder of the general assembly during which the senator is 4555
appointed. 4556

(3) Three nonvoting ex officio members, to serve until the 4557
ex officio member ceases to hold the applicable office: 4558

(a) The ~~superintendent of public instruction~~director of 4559
education and workforce; 4560

(b) The chancellor of higher education; 4561

(c) The director of veterans services. 4562

(4) Eight members shall be appointed by the governor with the advice and consent of the senate, to serve a term of three years, as follows:

(a) At least three members shall be involved in Holocaust and genocide memorial and education or have a personal connection or experience with the Holocaust or genocide.

(b) At least three members shall have expertise regarding the Holocaust and investigation, analysis, or research regarding genocide.

(B) Vacancies shall be filled in the manner provided under division (A) of this section. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Any appointed member shall continue in office subsequent to the expiration of that member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first.

Sec. 319.301. (A) The reductions required by division (D) of this section do not apply to any of the following:

(1) Taxes levied at whatever rate is required to produce a specified amount of tax money, including a tax levied under section 5705.199 or 5748.09 of the Revised Code, or an amount to pay debt charges;

(2) Taxes levied within the one per cent limitation imposed by Section 2 of Article XII, Ohio Constitution;

(3) Taxes provided for by the charter of a municipal corporation.

(B) As used in this section:

(1) "Real property" includes real property owned by a railroad.	4591 4592
(2) "Carryover property" means all real property on the current year's tax list except:	4593 4594
(a) Land and improvements that were not taxed by the district in both the preceding year and the current year;	4595 4596
(b) Land and improvements that were not in the same class in both the preceding year and the current year.	4597 4598
(3) "Effective tax rate" means with respect to each class of property:	4599 4600
(a) The sum of the total taxes that would have been charged and payable for current expenses against real property in that class if each of the district's taxes were reduced for the current year under division (D) (1) of this section without regard to the application of division (E) (3) of this section divided by	4601 4602 4603 4604 4605 4606
(b) The taxable value of all real property in that class.	4607
(4) "Taxes charged and payable" means the taxes charged and payable prior to any reduction required by section 319.302 of the Revised Code.	4608 4609 4610
(C) The tax commissioner shall make the determinations required by this section each year, without regard to whether a taxing district has territory in a county to which section 5715.24 of the Revised Code applies for that year. Separate determinations shall be made for each of the two classes established pursuant to section 5713.041 of the Revised Code.	4611 4612 4613 4614 4615 4616
(D) With respect to each tax authorized to be levied by each taxing district, the tax commissioner, annually, shall do	4617 4618

both of the following: 4619

(1) Determine by what percentage, if any, the sums levied 4620
by such tax against the carryover property in each class would 4621
have to be reduced for the tax to levy the same number of 4622
dollars against such property in that class in the current year 4623
as were charged against such property by such tax in the 4624
preceding year subsequent to the reduction made under this 4625
section but before the reduction made under section 319.302 of 4626
the Revised Code. In the case of a tax levied for the first time 4627
that is not a renewal of an existing tax, the commissioner shall 4628
determine by what percentage the sums that would otherwise be 4629
levied by such tax against carryover property in each class 4630
would have to be reduced to equal the amount that would have 4631
been levied if the full rate thereof had been imposed against 4632
the total taxable value of such property in the preceding tax 4633
year. A tax or portion of a tax that is designated a replacement 4634
levy under section 5705.192 of the Revised Code is not a renewal 4635
of an existing tax for purposes of this division. 4636

(2) Certify each percentage determined in division (D) (1) 4637
of this section, as adjusted under division (E) of this section, 4638
and the class of property to which that percentage applies to 4639
the auditor of each county in which the district has territory. 4640
The auditor, after complying with section 319.30 of the Revised 4641
Code, shall reduce the sum to be levied by such tax against each 4642
parcel of real property in the district by the percentage so 4643
certified for its class. Certification shall be made by the 4644
first day of September except in the case of a tax levied for 4645
the first time, in which case certification shall be made within 4646
fifteen days of the date the county auditor submits the 4647
information necessary to make the required determination. 4648

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

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

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

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

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

(2) If in the case of a school district other than a joint vocational or cooperative education school district any percentage required to be used in division (D) (2) of this section for either class of property could cause the total taxes charged and payable for current expenses to be less than two per cent of the taxable value of all real property in that class that is subject to taxation by the district, the commissioner shall determine what percentages would cause the district's total taxes charged and payable for current expenses against that class, after all reductions that would otherwise be made under this section, to equal, when combined with the pre-1982

joint vocational taxes against that class, the lesser of the 4678
following: 4679

(a) The sum of the rates at which those taxes are 4680
authorized to be levied; 4681

(b) Two per cent of the taxable value of the property in 4682
that class. The auditor shall use such percentages in making the 4683
reduction required by this section for that class. 4684

(3) If in the case of a joint vocational school district 4685
any percentage required to be used in division (D) (2) of this 4686
section for either class of property could cause the total taxes 4687
charged and payable for current expenses for that class to be 4688
less than two-tenths of one per cent of the taxable value of 4689
that class, the commissioner shall determine what percentages 4690
would cause the district's total taxes charged and payable for 4691
current expenses for that class, after all reductions that would 4692
otherwise be made under this section, to equal that amount. The 4693
auditor shall use such percentages in making the reductions 4694
required by this section for that class. 4695

(F) No reduction shall be made under this section in the 4696
rate at which any tax is levied. 4697

(G) The commissioner may order a county auditor to furnish 4698
any information the commissioner needs to make the 4699
determinations required under division (D) or (E) of this 4700
section, and the auditor shall supply the information in the 4701
form and by the date specified in the order. If the auditor 4702
fails to comply with an order issued under this division, except 4703
for good cause as determined by the commissioner, the 4704
commissioner shall withhold from such county or taxing district 4705
therein fifty per cent of state revenues to local governments 4706

pursuant to section 5747.50 of the Revised Code or shall direct 4707
the department of education and workforce to withhold therefrom 4708
fifty per cent of state revenues to school districts pursuant to 4709
Chapter 3317. of the Revised Code. The commissioner shall 4710
withhold the distribution of such revenues until the county 4711
auditor has complied with this division, and the department 4712
shall withhold the distribution of such revenues until the 4713
commissioner has notified the department that the county auditor 4714
has complied with this division. 4715

(H) If the commissioner is unable to certify a tax 4716
reduction factor for either class of property in a taxing 4717
district located in more than one county by the last day of 4718
November because information required under division (G) of this 4719
section is unavailable, the commissioner may compute and certify 4720
an estimated tax reduction factor for that district for that 4721
class. The estimated factor shall be based upon an estimate of 4722
the unavailable information. Upon receipt of the actual 4723
information for a taxing district that received an estimated tax 4724
reduction factor, the commissioner shall compute the actual tax 4725
reduction factor and use that factor to compute the taxes that 4726
should have been charged and payable against each parcel of 4727
property for the year for which the estimated reduction factor 4728
was used. The amount by which the estimated factor resulted in 4729
an overpayment or underpayment in taxes on any parcel shall be 4730
added to or subtracted from the amount due on that parcel in the 4731
ensuing tax year. 4732

A percentage or a tax reduction factor determined or 4733
computed by the commissioner under this section shall be used 4734
solely for the purpose of reducing the sums to be levied by the 4735
tax to which it applies for the year for which it was determined 4736
or computed. It shall not be used in making any tax computations 4737

for any ensuing tax year. 4738

(I) In making the determinations under division (D) (1) of 4739
this section, the tax commissioner shall take account of changes 4740
in the taxable value of carryover property resulting from 4741
complaints filed under section 5715.19 of the Revised Code for 4742
determinations made for the tax year in which such changes are 4743
reported to the commissioner. Such changes shall be reported to 4744
the commissioner on the first abstract of real property filed 4745
with the commissioner under section 5715.23 of the Revised Code 4746
following the date on which the complaint is finally determined 4747
by the board of revision or by a court or other authority with 4748
jurisdiction on appeal. The tax commissioner shall account for 4749
such changes in making the determinations only for the tax year 4750
in which the change in valuation is reported. Such a valuation 4751
change shall not be used to recompute the percentages determined 4752
under division (D) (1) of this section for any prior tax year. 4753

Sec. 901.71. (A) There is hereby created the advisory 4754
committee on livestock exhibitions consisting of not more than 4755
twenty-one members, as follows: 4756

(1) The director of agriculture, or the director's 4757
designee; 4758

(2) The state veterinarian, or the state veterinarian's 4759
designee; 4760

(3) A representative of the Ohio cattlemen's association, 4761
the Ohio purebred dairy cattle association, the Ohio pork 4762
producers council, the Ohio poultry association, the Ohio sheep 4763
improvement association, the Ohio fair managers association, the 4764
Ohio farm bureau federation, the Ohio farmers union, the Ohio 4765
department of ~~education's~~ education and workforce's agricultural 4766

education service, the Ohio state university extension, the 4767
national farmers organization, and the Ohio state grange, or 4768
their designees. Each of these members shall be chosen by the 4769
organization the member represents. 4770

(4) The chairperson of the Ohio expositions commission, or 4771
the chairperson's designee; 4772

(5) Three persons who shall be appointed by the director, 4773
each of whom shall serve as a member of a board of directors of 4774
a county or independent agricultural society organized under 4775
section 1711.01 or 1711.02 of the Revised Code. Of the initial 4776
appointments made by the director, one shall be for a term 4777
ending on December 31, 1996; one shall be for a term ending on 4778
December 31, 1997; and one shall be for a term ending on 4779
December 31, 1998. 4780

(6) Not more than three additional members appointed at 4781
the option of the director. If the director appoints one or more 4782
additional members, the first additional appointment shall be 4783
for a term ending on December 31, 1996, the second additional 4784
appointment shall be for a term ending on December 31, 1997, and 4785
the third additional appointment shall be for a term ending on 4786
December 31, 1998. 4787

Following the completion of the initial terms of the 4788
appointments made by the director, each term of office shall be 4789
three years, commencing on the first day of January and ending 4790
on the thirty-first day of December. A member appointed by the 4791
director shall hold office from the date of the member's 4792
appointment until the end of the term for which the member was 4793
appointed. Vacancies shall be filled in the same manner as the 4794
original appointment. Any member appointed to fill a vacancy 4795
occurring prior to the expiration of the term for which the 4796

member's predecessor was appointed shall hold office for the 4797
remainder of the unexpired term. Any member shall continue in 4798
office subsequent to the expiration date of the member's term 4799
until the member's successor takes office or until a period of 4800
ninety days has elapsed, whichever occurs first. 4801

Members may be removed from the committee only for 4802
misfeasance, malfeasance, or nonfeasance. A vacancy on the 4803
committee shall not impair the right of the other members to 4804
exercise all of the functions of the committee. A simple 4805
majority constitutes a quorum for the conduct of business of the 4806
committee. On request, each member shall be reimbursed for the 4807
actual and necessary expenses incurred in the discharge of the 4808
member's duties as a committee member. 4809

(B) The committee shall be considered a part of the 4810
department of agriculture for the administrative purposes 4811
required by this section, including the payment of expenses 4812
authorized to each member of the committee under this section. 4813
The director or the director's designee shall serve as 4814
chairperson of the committee. The director shall designate an 4815
employee or official of the department to act as the secretary 4816
of the committee. The secretary shall keep the minutes of the 4817
committee's meetings and a permanent journal of all meetings, 4818
proceedings, findings, determinations, and recommendations of 4819
the committee, including an itemized statement of the expenses 4820
allowed to each member of the committee under this section. The 4821
committee may request from the director, and the director shall 4822
provide, meeting space, assistance, services, and information to 4823
enable the committee to carry out its duties. 4824

(C) The committee shall meet at least once annually after 4825
the fifteenth day of October and before the first day of 4826

December. The committee may meet at other times as the 4827
chairperson or a majority of the committee members considers 4828
appropriate, provided the chairperson gives members written 4829
notice of any meeting at least seven days prior to the meeting. 4830

(D) The committee may propose rules and may advise and 4831
counsel the director on all matters relating to the 4832
administration of exhibitions and any other matters that the 4833
committee and the director consider appropriate in carrying out 4834
sections 901.71 to 901.76 of the Revised Code. 4835

Sec. 921.06. (A) (1) No individual shall do any of the 4836
following without having a commercial applicator license issued 4837
by the director of agriculture: 4838

(a) Apply pesticides for a pesticide business without 4839
direct supervision; 4840

(b) Apply pesticides as part of the individual's duties 4841
while acting as an employee of the United States government, a 4842
state, county, township, or municipal corporation, or a park 4843
district, port authority, or sanitary district created under 4844
Chapter 1545., 4582., or 6115. of the Revised Code, 4845
respectively; 4846

(c) Apply restricted use pesticides. Division (A) (1) (c) of 4847
this section does not apply to a private applicator or an 4848
immediate family member or a subordinate employee of a private 4849
applicator who is acting under the direct supervision of that 4850
private applicator. 4851

(d) If the individual is the owner of a business other 4852
than a pesticide business or an employee of such an owner, apply 4853
pesticides at any of the following publicly accessible sites 4854
that are located on the property: 4855

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;	4856 4857
(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;	4858 4859
(iii) Golf courses;	4860
(iv) Rental properties of more than four apartment units at one location;	4861 4862
(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;	4863 4864
(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;	4865 4866
(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 <u>director of education and workforce</u> ;	4867 4868 4869 4870 4871 4872 4873
(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 and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	4874 4875 4876 4877 4878 4879 4880 4881 4882 4883

(ix) Food processing establishments as defined in section 3715.021 of the Revised Code;	4884 4885
(x) Any other site designated by rule.	4886
(e) Conduct authorized diagnostic inspections.	4887
(2) Divisions (A) (1) (a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.	4888 4889 4890
(3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines established by rule. The fee for each such license shall be established by rule. If a license is not issued or renewed, the application fee shall be retained by the state as payment for the reasonable expense of processing the application. The director shall by rule classify by pesticide-use category licenses to be issued under this section. A single license may include more than one pesticide-use category. No individual shall be required to pay an additional license fee if the individual is licensed for more than one category.	4891 4892 4893 4894 4895 4896 4897 4898 4899 4900 4901
The fee for each license or renewal does not apply to an applicant who is an employee of the department of agriculture whose job duties require licensure as a commercial applicator as a condition of employment.	4902 4903 4904 4905
(B) Application for a commercial applicator license shall be made on a form prescribed by the director. Each application for a license shall state the pesticide-use category or categories of license for which the applicant is applying and other information that the director determines essential to the administration of this chapter.	4906 4907 4908 4909 4910 4911
(C) If the director finds that the applicant is competent	4912

to apply pesticides and conduct diagnostic inspections and that 4913
the applicant has passed both the general examination and each 4914
applicable pesticide-use category examination as required under 4915
division (A) of section 921.12 of the Revised Code, the director 4916
shall issue a commercial applicator license limited to the 4917
pesticide-use category or categories for which the applicant is 4918
found to be competent. If the director rejects an application, 4919
the director may explain why the application was rejected, 4920
describe the additional requirements necessary for the applicant 4921
to obtain a license, and return the application. The applicant 4922
may resubmit the application without payment of any additional 4923
fee. 4924

(D) (1) A person who is a commercial applicator shall be 4925
deemed to hold a private applicator's license for purposes of 4926
applying pesticides on agricultural commodities that are 4927
produced by the commercial applicator. 4928

(2) A commercial applicator shall apply pesticides only in 4929
the pesticide-use category or categories in which the applicator 4930
is licensed under this chapter. 4931

(E) All money collected under this section shall be 4932
credited to the pesticide, fertilizer, and lime program fund 4933
created in section 921.22 of the Revised Code. 4934

Sec. 2151.011. (A) As used in the Revised Code: 4935

(1) "Juvenile court" means whichever of the following is 4936
applicable that has jurisdiction under this chapter and Chapter 4937
2152. of the Revised Code: 4938

(a) The division of the court of common pleas specified in 4939
section 2101.022 or 2301.03 of the Revised Code as having 4940
jurisdiction under this chapter and Chapter 2152. of the Revised 4941

Code or as being the juvenile division or the juvenile division 4942
combined with one or more other divisions; 4943

(b) The juvenile court of Cuyahoga county or Hamilton 4944
county that is separately and independently created by section 4945
2151.08 or Chapter 2153. of the Revised Code and that has 4946
jurisdiction under this chapter and Chapter 2152. of the Revised 4947
Code; 4948

(c) If division (A) (1) (a) or (b) of this section does not 4949
apply, the probate division of the court of common pleas. 4950

(2) "Juvenile judge" means a judge of a court having 4951
jurisdiction under this chapter. 4952

(3) "Private child placing agency" means any association, 4953
as defined in section 5103.02 of the Revised Code, that is 4954
certified under section 5103.03 of the Revised Code to accept 4955
temporary, permanent, or legal custody of children and place the 4956
children for either foster care or adoption. 4957

(4) "Private noncustodial agency" means any person, 4958
organization, association, or society certified by the 4959
department of job and family services that does not accept 4960
temporary or permanent legal custody of children, that is 4961
privately operated in this state, and that does one or more of 4962
the following: 4963

(a) Receives and cares for children for two or more 4964
consecutive weeks; 4965

(b) Participates in the placement of children in certified 4966
foster homes; 4967

(c) Provides adoption services in conjunction with a 4968
public children services agency or private child placing agency. 4969

(B) As used in this chapter:	4970
(1) "Adequate parental care" means the provision by a	4971
child's parent or parents, guardian, or custodian of adequate	4972
food, clothing, and shelter to ensure the child's health and	4973
physical safety and the provision by a child's parent or parents	4974
of specialized services warranted by the child's physical or	4975
mental needs.	4976
(2) "Adult" means an individual who is eighteen years of	4977
age or older.	4978
(3) "Agreement for temporary custody" means a voluntary	4979
agreement authorized by section 5103.15 of the Revised Code that	4980
transfers the temporary custody of a child to a public children	4981
services agency or a private child placing agency.	4982
(4) "Alternative response" means the public children	4983
services agency's response to a report of child abuse or neglect	4984
that engages the family in a comprehensive evaluation of child	4985
safety, risk of subsequent harm, and family strengths and needs	4986
and that does not include a determination as to whether child	4987
abuse or neglect occurred.	4988
(5) "Certified foster home" means a foster home, as	4989
defined in section 5103.02 of the Revised Code, certified under	4990
section 5103.03 of the Revised Code.	4991
(6) "Child" means a person who is under eighteen years of	4992
age, except that the juvenile court has jurisdiction over any	4993
person who is adjudicated an unruly child prior to attaining	4994
eighteen years of age until the person attains twenty-one years	4995
of age, and, for purposes of that jurisdiction related to that	4996
adjudication, a person who is so adjudicated an unruly child	4997
shall be deemed a "child" until the person attains twenty-one	4998

years of age. 4999

(7) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home," "licensed type B family day-care home," "type B family day-care home," "administrator of a child day-care center," "administrator of a type A family day-care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code. 5000
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(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of job and family services, department of developmental disabilities, or the early childhood programs of the department of education and workforce. 5007
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(9) "Commit" means to vest custody as ordered by the court. 5015
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(10) "Counseling" includes both of the following: 5017

(a) General counseling services performed by a public children services agency or shelter for victims of domestic violence to assist a child, a child's parents, and a child's siblings in alleviating identified problems that may cause or have caused the child to be an abused, neglected, or dependent child. 5018
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(b) Psychiatric or psychological therapeutic counseling services provided to correct or alleviate any mental or emotional illness or disorder and performed by a licensed psychiatrist, licensed psychologist, or a person licensed under 5024
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Chapter 4757. of the Revised Code to engage in social work or	5028
professional counseling.	5029
(11) "Custodian" means a person who has legal custody of a	5030
child or a public children services agency or private child	5031
placing agency that has permanent, temporary, or legal custody	5032
of a child.	5033
(12) "Delinquent child" has the same meaning as in section	5034
2152.02 of the Revised Code.	5035
(13) "Detention" means the temporary care of children	5036
pending court adjudication or disposition, or execution of a	5037
court order, in a public or private facility designed to	5038
physically restrict the movement and activities of children.	5039
(14) "Developmental disability" has the same meaning as in	5040
section 5123.01 of the Revised Code.	5041
(15) "Differential response approach" means an approach	5042
that a public children services agency may use to respond to	5043
accepted reports of child abuse or neglect with either an	5044
alternative response or a traditional response.	5045
(16) "Foster caregiver" has the same meaning as in section	5046
5103.02 of the Revised Code.	5047
(17) "Guardian" means a person, association, or	5048
corporation that is granted authority by a probate court	5049
pursuant to Chapter 2111. of the Revised Code to exercise	5050
parental rights over a child to the extent provided in the	5051
court's order and subject to the residual parental rights of the	5052
child's parents.	5053
(18) "Habitual truant" means any child of compulsory	5054
school age who is absent without legitimate excuse for absence	5055

from the public school the child is supposed to attend for 5056
thirty or more consecutive hours, forty-two or more hours in one 5057
school month, or seventy-two or more hours in a school year. 5058

(19) "Intellectual disability" has the same meaning as in 5059
section 5123.01 of the Revised Code. 5060

(20) "Juvenile traffic offender" has the same meaning as 5061
in section 2152.02 of the Revised Code. 5062

(21) "Legal custody" means a legal status that vests in 5063
the custodian the right to have physical care and control of the 5064
child and to determine where and with whom the child shall live, 5065
and the right and duty to protect, train, and discipline the 5066
child and to provide the child with food, shelter, education, 5067
and medical care, all subject to any residual parental rights, 5068
privileges, and responsibilities. An individual granted legal 5069
custody shall exercise the rights and responsibilities 5070
personally unless otherwise authorized by any section of the 5071
Revised Code or by the court. 5072

(22) A "legitimate excuse for absence from the public 5073
school the child is supposed to attend" includes, but is not 5074
limited to, any of the following: 5075

(a) The fact that the child in question has enrolled in 5076
and is attending another public or nonpublic school in this or 5077
another state; 5078

(b) The fact that the child in question is excused from 5079
attendance at school for any of the reasons specified in section 5080
3321.04 or 3321.042 of the Revised Code; 5081

(c) The fact that the child in question has received an 5082
age and schooling certificate in accordance with section 3331.01 5083
of the Revised Code. 5084

(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code.	5085 5086
(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care.	5087 5088 5089 5090 5091
(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility.	5092 5093 5094 5095
(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code.	5096 5097
(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere.	5098 5099 5100 5101 5102 5103
(28) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, type B family day-care homes, child care provided by in-home aides, group home providers, group homes, institutions, state institutions, residential facilities, residential care facilities, residential camps, day camps, private, nonprofit therapeutic wilderness camps, public	5104 5105 5106 5107 5108 5109 5110 5111 5112 5113

schools, chartered nonpublic schools, educational service 5114
centers, hospitals, and medical clinics that are responsible for 5115
the care, physical custody, or control of children. 5116

(29) "Out-of-home care child abuse" means any of the 5117
following when committed by a person responsible for the care of 5118
a child in out-of-home care: 5119

(a) Engaging in sexual activity with a child in the 5120
person's care; 5121

(b) Denial to a child, as a means of punishment, of proper 5122
or necessary subsistence, education, medical care, or other care 5123
necessary for a child's health; 5124

(c) Use of restraint procedures on a child that cause 5125
injury or pain; 5126

(d) Administration of prescription drugs or psychotropic 5127
medication to the child without the written approval and ongoing 5128
supervision of a licensed physician; 5129

(e) Commission of any act, other than by accidental means, 5130
that results in any injury to or death of the child in out-of- 5131
home care or commission of any act by accidental means that 5132
results in an injury to or death of a child in out-of-home care 5133
and that is at variance with the history given of the injury or 5134
death. 5135

(30) "Out-of-home care child neglect" means any of the 5136
following when committed by a person responsible for the care of 5137
a child in out-of-home care: 5138

(a) Failure to provide reasonable supervision according to 5139
the standards of care appropriate to the age, mental and 5140
physical condition, or other special needs of the child; 5141

(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;	5142 5143 5144 5145
(c) Failure to develop a process for all of the following:	5146
(i) Administration of prescription drugs or psychotropic drugs for the child;	5147 5148
(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;	5149 5150
(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.	5151 5152 5153
(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;	5154 5155 5156
(e) Confinement of the child to a locked room without monitoring by staff;	5157 5158
(f) Failure to provide ongoing security for all prescription and nonprescription medication;	5159 5160
(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.	5161 5162 5163 5164
(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges,	5165 5166 5167 5168 5169

and obligations, including all residual rights and obligations. 5170

(32) "Permanent surrender" means the act of the parents 5171
or, if a child has only one parent, of the parent of a child, by 5172
a voluntary agreement authorized by section 5103.15 of the 5173
Revised Code, to transfer the permanent custody of the child to 5174
a public children services agency or a private child placing 5175
agency. 5176

(33) "Person" means an individual, association, 5177
corporation, or partnership and the state or any of its 5178
political subdivisions, departments, or agencies. 5179

(34) "Person responsible for a child's care in out-of-home 5180
care" means any of the following: 5181

(a) Any foster caregiver, in-home aide, or provider; 5182

(b) Any administrator, employee, or agent of any of the 5183
following: a public or private detention facility; shelter 5184
facility; certified children's crisis care facility; 5185
organization; certified organization; child day-care center; 5186
type A family day-care home; licensed type B family day-care 5187
home; group home; institution; state institution; residential 5188
facility; residential care facility; residential camp; day camp; 5189
school district; community school; chartered nonpublic school; 5190
educational service center; hospital; or medical clinic; 5191

(c) Any person who supervises or coaches children as part 5192
of an extracurricular activity sponsored by a school district, 5193
public school, or chartered nonpublic school; 5194

(d) Any other person who performs a similar function with 5195
respect to, or has a similar relationship to, children. 5196

(35) "Physical impairment" means having one or more of the 5197

following conditions that substantially limit one or more of an 5198
individual's major life activities, including self-care, 5199
receptive and expressive language, learning, mobility, and self- 5200
direction: 5201

(a) A substantial impairment of vision, speech, or 5202
hearing; 5203

(b) A congenital orthopedic impairment; 5204

(c) An orthopedic impairment caused by disease, rheumatic 5205
fever or any other similar chronic or acute health problem, or 5206
amputation or another similar cause. 5207

(36) "Placement for adoption" means the arrangement by a 5208
public children services agency or a private child placing 5209
agency with a person for the care and adoption by that person of 5210
a child of whom the agency has permanent custody. 5211

(37) "Placement in foster care" means the arrangement by a 5212
public children services agency or a private child placing 5213
agency for the out-of-home care of a child of whom the agency 5214
has temporary custody or permanent custody. 5215

(38) "Planned permanent living arrangement" means an order 5216
of a juvenile court pursuant to which both of the following 5217
apply: 5218

(a) The court gives legal custody of a child to a public 5219
children services agency or a private child placing agency 5220
without the termination of parental rights. 5221

(b) The order permits the agency to make an appropriate 5222
placement of the child and to enter into a written agreement 5223
with a foster care provider or with another person or agency 5224
with whom the child is placed. 5225

(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.	5226 5227 5228
(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.	5229 5230
(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A) (4) of section 2152.19 of the Revised Code.	5231 5232 5233 5234
(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.	5235 5236 5237 5238 5239 5240 5241 5242
(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.	5243 5244
(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.	5245 5246
(45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code.	5247 5248
(46) "Resource family" has the same meaning as in section 5103.02 of the Revised Code.	5249 5250
(47) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes.	5251 5252 5253

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

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

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

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

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

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

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

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

disposition.	5283
(56) "Shelter for victims of domestic violence" has the same meaning as in section 3113.33 of the Revised Code.	5284 5285
(57) "Temporary custody" means legal custody of a child who is removed from the child's home, which custody may be terminated at any time at the discretion of the court or, if the legal custody is granted in an agreement for temporary custody, by the person who executed the agreement.	5286 5287 5288 5289 5290
(58) "Traditional response" means a public children services agency's response to a report of child abuse or neglect that encourages engagement of the family in a comprehensive evaluation of the child's current and future safety needs and a fact-finding process to determine whether child abuse or neglect occurred and the circumstances surrounding the alleged harm or risk of harm.	5291 5292 5293 5294 5295 5296 5297
(C) For the purposes of this chapter, a child shall be presumed abandoned when the parents of the child have failed to visit or maintain contact with the child for more than ninety days, regardless of whether the parents resume contact with the child after that period of ninety days.	5298 5299 5300 5301 5302
Sec. 2151.353. (A) If a child is adjudicated an abused, neglected, or dependent child, the court may make any of the following orders of disposition:	5303 5304 5305
(1) Place the child in protective supervision;	5306
(2) Commit the child to the temporary custody of any of the following:	5307 5308
(a) A public children services agency;	5309
(b) A private child placing agency;	5310

(c) Either parent;	5311
(d) A relative residing within or outside the state;	5312
(e) A probation officer for placement in a certified foster home;	5313 5314
(f) Any other person approved by the court.	5315
(3) Award legal custody of the child to either parent or to any other person who, prior to the dispositional hearing, files a motion requesting legal custody of the child or is identified as a proposed legal custodian in a complaint or motion filed prior to the dispositional hearing by any party to the proceedings. A person identified in a complaint or motion filed by a party to the proceedings as a proposed legal custodian shall be awarded legal custody of the child only if the person identified signs a statement of understanding for legal custody that contains at least the following provisions:	5316 5317 5318 5319 5320 5321 5322 5323 5324 5325
(a) That it is the intent of the person to become the legal custodian of the child and the person is able to assume legal responsibility for the care and supervision of the child;	5326 5327 5328
(b) That the person understands that legal custody of the child in question is intended to be permanent in nature and that the person will be responsible as the custodian for the child until the child reaches the age of majority. Responsibility as custodian for the child shall continue beyond the age of majority if, at the time the child reaches the age of majority, the child is pursuing a diploma granted by the board of education or other governing authority, successful completion of the curriculum of any high school, successful completion of an individualized education program developed for the student by any high school, or an age and schooling certificate.	5329 5330 5331 5332 5333 5334 5335 5336 5337 5338 5339

Responsibility beyond the age of majority shall terminate when 5340
the child ceases to continuously pursue such an education, 5341
completes such an education, or is excused from such an 5342
education under standards adopted by the ~~state board~~ department 5343
of education and workforce, whichever occurs first. 5344

(c) That the parents of the child have residual parental 5345
rights, privileges, and responsibilities, including, but not 5346
limited to, the privilege of reasonable visitation, consent to 5347
adoption, the privilege to determine the child's religious 5348
affiliation, and the responsibility for support; 5349

(d) That the person understands that the person must be 5350
present in court for the dispositional hearing in order to 5351
affirm the person's intention to become legal custodian, to 5352
affirm that the person understands the effect of the 5353
custodianship before the court, and to answer any questions that 5354
the court or any parties to the case may have. 5355

(4) Commit the child to the permanent custody of a public 5356
children services agency or private child placing agency, if the 5357
court determines in accordance with division (E) of section 5358
2151.414 of the Revised Code that the child cannot be placed 5359
with one of the child's parents within a reasonable time or 5360
should not be placed with either parent and determines in 5361
accordance with division (D)(1) of section 2151.414 of the 5362
Revised Code that the permanent commitment is in the best 5363
interest of the child. If the court grants permanent custody 5364
under this division, the court, upon the request of any party, 5365
shall file a written opinion setting forth its findings of fact 5366
and conclusions of law in relation to the proceeding. 5367

(5) Place the child in a planned permanent living 5368
arrangement with a public children services agency or private 5369

child placing agency, if a public children services agency or 5370
private child placing agency requests the court to place the 5371
child in a planned permanent living arrangement and if the court 5372
finds, by clear and convincing evidence, that a planned 5373
permanent living arrangement is in the best interest of the 5374
child, that the child is sixteen years of age or older, and that 5375
one of the following exists: 5376

(a) The child, because of physical, mental, or 5377
psychological problems or needs, is unable to function in a 5378
family-like setting and must remain in residential or 5379
institutional care now and for the foreseeable future beyond the 5380
date of the dispositional hearing held pursuant to section 5381
2151.35 of the Revised Code. 5382

(b) The parents of the child have significant physical, 5383
mental, or psychological problems and are unable to care for the 5384
child because of those problems, adoption is not in the best 5385
interest of the child, as determined in accordance with division 5386
(D)(1) of section 2151.414 of the Revised Code, and the child 5387
retains a significant and positive relationship with a parent or 5388
relative. 5389

(c) The child has been counseled on the permanent 5390
placement options available to the child, and is unwilling to 5391
accept or unable to adapt to a permanent placement. 5392

(6) Order the removal from the child's home until further 5393
order of the court of the person who committed abuse as 5394
described in section 2151.031 of the Revised Code against the 5395
child, who caused or allowed the child to suffer neglect as 5396
described in section 2151.03 of the Revised Code, or who is the 5397
parent, guardian, or custodian of a child who is adjudicated a 5398
dependent child and order any person not to have contact with 5399

the child or the child's siblings. 5400

(B) (1) When making a determination on whether to place a 5401
child in a planned permanent living arrangement pursuant to 5402
division (A) (5) (b) or (c) of this section, the court shall 5403
consider all relevant information that has been presented to the 5404
court, including information gathered from the child, the 5405
child's guardian ad litem, and the public children services 5406
agency or private child placing agency. 5407

(2) A child who is placed in a planned permanent living 5408
arrangement pursuant to division (A) (5) (b) or (c) of this 5409
section shall be placed in an independent living setting or in a 5410
family setting in which the caregiver has been provided by the 5411
agency that has custody of the child with a notice that 5412
addresses the following: 5413

(a) The caregiver understands that the planned permanent 5414
living arrangement is intended to be permanent in nature and 5415
that the caregiver will provide a stable placement for the child 5416
through the child's emancipation or until the court releases the 5417
child from the custody of the agency, whichever occurs first. 5418

(b) The caregiver is expected to actively participate in 5419
the youth's independent living case plan, attend agency team 5420
meetings and court hearings as appropriate, complete training, 5421
as developed and implemented under section 5103.035 of the 5422
Revised Code, related to providing the child independent living 5423
services, and assist in the child's transition into adulthood. 5424

(3) The department of job and family services shall 5425
develop a model notice to be provided by an agency that has 5426
custody of a child to a caregiver under division (B) (2) of this 5427
section. The agency may modify the model notice to apply to the 5428

needs of the agency. 5429

(C) No order for permanent custody or temporary custody of 5430
a child or the placement of a child in a planned permanent 5431
living arrangement shall be made pursuant to this section unless 5432
the complaint alleging the abuse, neglect, or dependency 5433
contains a prayer requesting permanent custody, temporary 5434
custody, or the placement of the child in a planned permanent 5435
living arrangement as desired, the summons served on the parents 5436
of the child contains as is appropriate a full explanation that 5437
the granting of an order for permanent custody permanently 5438
divests them of their parental rights, a full explanation that 5439
an adjudication that the child is an abused, neglected, or 5440
dependent child may result in an order of temporary custody that 5441
will cause the removal of the child from their legal custody 5442
until the court terminates the order of temporary custody or 5443
permanently divests the parents of their parental rights, or a 5444
full explanation that the granting of an order for a planned 5445
permanent living arrangement will result in the removal of the 5446
child from their legal custody if any of the conditions listed 5447
in divisions (A) (5) (a) to (c) of this section are found to 5448
exist, and the summons served on the parents contains a full 5449
explanation of their right to be represented by counsel and to 5450
have counsel appointed pursuant to Chapter 120. of the Revised 5451
Code if they are indigent. 5452

If after making disposition as authorized by division (A) 5453
(2) of this section, a motion is filed that requests permanent 5454
custody of the child, the court may grant permanent custody of 5455
the child to the movant in accordance with section 2151.414 of 5456
the Revised Code. 5457

(D) If the court issues an order for protective 5458

supervision pursuant to division (A)(1) of this section, the 5459
court may place any reasonable restrictions upon the child, the 5460
child's parents, guardian, or custodian, or any other person, 5461
including, but not limited to, any of the following: 5462

(1) Order a party, within forty-eight hours after the 5463
issuance of the order, to vacate the child's home indefinitely 5464
or for a specified period of time; 5465

(2) Order a party, a parent of the child, or a physical 5466
custodian of the child to prevent any particular person from 5467
having contact with the child; 5468

(3) Issue an order restraining or otherwise controlling 5469
the conduct of any person which conduct would not be in the best 5470
interest of the child. 5471

(E) As part of its dispositional order, the court shall 5472
journalize a case plan for the child. The journalized case plan 5473
shall not be changed except as provided in section 2151.412 of 5474
the Revised Code. 5475

(F)(1) The court shall retain jurisdiction over any child 5476
for whom the court issues an order of disposition pursuant to 5477
division (A) of this section or pursuant to section 2151.414 or 5478
2151.415 of the Revised Code until the child attains the age of 5479
eighteen years if the child does not have a developmental 5480
disability or physical impairment, the child attains the age of 5481
twenty-one years if the child has a developmental disability or 5482
physical impairment, or the child is adopted and a final decree 5483
of adoption is issued, except that the court may retain 5484
jurisdiction over the child and continue any order of 5485
disposition under division (A) of this section or under section 5486
2151.414 or 2151.415 of the Revised Code for a specified period 5487

of time to enable the child to graduate from high school or 5488
vocational school. The court shall make an entry continuing its 5489
jurisdiction under this division in the journal. 5490

(2) Any public children services agency, any private child 5491
placing agency, the department of job and family services, or 5492
any party, other than any parent whose parental rights with 5493
respect to the child have been terminated pursuant to an order 5494
issued under division (A) (4) of this section, by filing a motion 5495
with the court, may at any time request the court to modify or 5496
terminate any order of disposition issued pursuant to division 5497
(A) of this section or section 2151.414 or 2151.415 of the 5498
Revised Code. The court shall hold a hearing upon the motion as 5499
if the hearing were the original dispositional hearing and shall 5500
give all parties to the action and the guardian ad litem notice 5501
of the hearing pursuant to the Juvenile Rules. If applicable, 5502
the court shall comply with section 2151.42 of the Revised Code. 5503

(G) Any temporary custody order issued pursuant to 5504
division (A) of this section shall terminate one year after the 5505
earlier of the date on which the complaint in the case was filed 5506
or the child was first placed into shelter care, except that, 5507
upon the filing of a motion pursuant to section 2151.415 of the 5508
Revised Code, the temporary custody order shall continue and not 5509
terminate until the court issues a dispositional order under 5510
that section. In resolving the motion, the court shall not order 5511
an existing temporary custody order to continue beyond two years 5512
after the date on which the complaint was filed or the child was 5513
first placed into shelter care, whichever date is earlier, 5514
regardless of whether any extensions have been previously 5515
ordered pursuant to division (D) of section 2151.415 of the 5516
Revised Code. 5517

(H) (1) No later than one year after the earlier of the 5518
date the complaint in the case was filed or the child was first 5519
placed in shelter care, a party may ask the court to extend an 5520
order for protective supervision for six months or to terminate 5521
the order. A party requesting extension or termination of the 5522
order shall file a written request for the extension or 5523
termination with the court and give notice of the proposed 5524
extension or termination in writing before the end of the day 5525
after the day of filing it to all parties and the child's 5526
guardian ad litem. If a public children services agency or 5527
private child placing agency requests termination of the order, 5528
the agency shall file a written status report setting out the 5529
facts supporting termination of the order at the time it files 5530
the request with the court. If no party requests extension or 5531
termination of the order, the court shall notify the parties 5532
that the court will extend the order for six months or terminate 5533
it and that it may do so without a hearing unless one of the 5534
parties requests a hearing. All parties and the guardian ad 5535
litem shall have seven days from the date a notice is sent 5536
pursuant to this division to object to and request a hearing on 5537
the proposed extension or termination. 5538

(a) If it receives a timely request for a hearing, the 5539
court shall schedule a hearing to be held no later than thirty 5540
days after the request is received by the court. The court shall 5541
give notice of the date, time, and location of the hearing to 5542
all parties and the guardian ad litem. At the hearing, the court 5543
shall determine whether extension or termination of the order is 5544
in the child's best interest. If termination is in the child's 5545
best interest, the court shall terminate the order. If extension 5546
is in the child's best interest, the court shall extend the 5547
order for six months. 5548

(b) If it does not receive a timely request for a hearing, 5549
the court may extend the order for six months or terminate it 5550
without a hearing and shall journalize the order of extension or 5551
termination not later than fourteen days after receiving the 5552
request for extension or termination or after the date the court 5553
notifies the parties that it will extend or terminate the order. 5554
If the court does not extend or terminate the order, it shall 5555
schedule a hearing to be held no later than thirty days after 5556
the expiration of the applicable fourteen-day time period and 5557
give notice of the date, time, and location of the hearing to 5558
all parties and the child's guardian ad litem. At the hearing, 5559
the court shall determine whether extension or termination of 5560
the order is in the child's best interest. If termination is in 5561
the child's best interest, the court shall terminate the order. 5562
If extension is in the child's best interest, the court shall 5563
issue an order extending the order for protective supervision 5564
six months. 5565

(2) If the court grants an extension of the order for 5566
protective supervision pursuant to division (H)(1) of this 5567
section, a party may, prior to termination of the extension, 5568
file with the court a request for an additional extension of six 5569
months or for termination of the order. The court and the 5570
parties shall comply with division (H)(1) of this section with 5571
respect to extending or terminating the order. 5572

(3) If a court grants an extension pursuant to division 5573
(H)(2) of this section, the court shall terminate the order for 5574
protective supervision at the end of the extension. 5575

(I) The court shall not issue a dispositional order 5576
pursuant to division (A) of this section that removes a child 5577
from the child's home unless the court complies with section 5578

2151.419 of the Revised Code and includes in the dispositional order the findings of fact required by that section. 5579
5580

(J) If a motion or application for an order described in division (A)(6) of this section is made, the court shall not issue the order unless, prior to the issuance of the order, it provides to the person all of the following: 5581
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(1) Notice and a copy of the motion or application; 5585

(2) The grounds for the motion or application; 5586

(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application; 5587
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(4) An opportunity to be represented by counsel at the hearing. 5589
5590

(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the latest further action subsequent to the award, if the court awards legal custody of a child to either of the following: 5591
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(1) A legal custodian who, at the time of the award of legal custody, resides in a county of this state other than the county in which the court is located; 5596
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(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the latest further action subsequent to the award. 5599
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The court in the county in which the legal custodian resides then shall have jurisdiction in the matter. 5605
5606

Sec. 2151.357. (A) If the court orders the records of a 5607
person sealed pursuant to section 2151.356 of the Revised Code, 5608
the person who is subject of the order properly may, and the 5609
court shall, reply that no record exists with respect to the 5610
person upon any inquiry in the matter, and the court, except as 5611
provided in division (D) of this section, shall do all of the 5612
following: 5613

(1) Order that the proceedings in a case described in 5614
divisions (B) and (C) of section 2151.356 of the Revised Code be 5615
deemed never to have occurred; 5616

(2) Except as provided in division (C) of this section, 5617
delete all index references to the case and the person so that 5618
the references are permanently irretrievable; 5619

(3) Order that all original records of the case maintained 5620
by any public office or agency, except fingerprints held by a 5621
law enforcement agency, DNA specimens collected pursuant to 5622
section 2152.74 of the Revised Code, and DNA records derived 5623
from DNA specimens pursuant to section 109.573 of the Revised 5624
Code, be delivered to the court; 5625

(4) Order each public office or agency, upon the 5626
delivering of records to the court under division (A) (3) of this 5627
section, to expunge remaining records of the case that are the 5628
subject of the sealing order that are maintained by that public 5629
office or agency, except fingerprints, DNA specimens, and DNA 5630
records described under division (A) (3) of this section; 5631

(5) Send notice of the order to seal to any public office 5632
or agency that the court has reason to believe may have a record 5633
of the sealed record including, but not limited to, the bureau 5634
of criminal identification and investigation; 5635

(6) Seal all of the records delivered to the court under 5636
division (A) (3) of this section, in a separate file in which 5637
only sealed records are maintained. 5638

(B) Except as provided in division (D) of this section, an 5639
order to seal under section 2151.356 of the Revised Code applies 5640
to every public office or agency that has a record relating to 5641
the case, regardless of whether it receives notice of the 5642
hearing on the sealing of the record or a copy of the order. 5643
Except as provided in division (D) of this section, upon the 5644
written request of a person whose record has been sealed and the 5645
presentation of a copy of the order and compliance with division 5646
(A) (3) of this section, a public office or agency shall expunge 5647
its record relating to the case, except a record of the 5648
adjudication or arrest or taking into custody that is maintained 5649
for compiling statistical data and that does not contain any 5650
reference to the person who is the subject of the order. 5651

(C) The court that maintains sealed records pursuant to 5652
this section may maintain a manual or computerized index of the 5653
sealed records and shall make the index available only for the 5654
purposes set forth in division (E) of this section. 5655

(1) Each entry regarding a sealed record in the index of 5656
sealed records shall contain all of the following: 5657

(a) The name of the person who is the subject of the 5658
sealed record; 5659

(b) An alphanumeric identifier relating to the person who 5660
is the subject of the sealed record; 5661

(c) The word "sealed"; 5662

(d) The name of the court that has custody of the sealed 5663
record. 5664

(2) Any entry regarding a sealed record in the index of sealed records shall not contain either of the following:

(a) The social security number of the person who is subject of the sealed record;

(b) The name or a description of the act committed.

(D) Notwithstanding any provision of this section that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding an adjudication that the individual is a delinquent child that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under section 2151.356 of the Revised Code to seal the record of an adjudication that an individual is a delinquent child does not revoke the adjudication order of the ~~superintendent of public instruction~~ director of education and workforce to permanently exclude the individual who is the subject of the sealing order. An order to seal the record of an adjudication that an individual is a delinquent child may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent exclusion of the individual who is the subject of the sealing order be revoked. Except as otherwise authorized by this division and sections 3301.121 and 3313.662 of the Revised Code, any school employee in possession of or having access to the sealed adjudication records of an individual that were the basis of a permanent exclusion of the individual is subject to division (F) of this section.

(E) Inspection of records that have been ordered sealed 5695
under section 2151.356 of the Revised Code may be made only by 5696
the following persons or for the following purposes: 5697

(1) By the court; 5698

(2) If the records in question pertain to an act that 5699
would be an offense of violence that would be a felony if 5700
committed by an adult, by any law enforcement officer or any 5701
prosecutor, or the assistants of a law enforcement officer or 5702
prosecutor, for any valid law enforcement or prosecutorial 5703
purpose; 5704

(3) Upon application by the person who is the subject of 5705
the sealed records, by the person that is named in that 5706
application; 5707

(4) If the records in question pertain to an alleged 5708
violation of division (E) (1) of section 4301.69 of the Revised 5709
Code, by any law enforcement officer or any prosecutor, or the 5710
assistants of a law enforcement officer or prosecutor, for the 5711
purpose of determining whether the person is eligible for 5712
diversion under division (E) (2) of section 4301.69 of the 5713
Revised Code; 5714

(5) At the request of a party in a civil action that is 5715
based on a case the records for which are the subject of a 5716
sealing order issued under section 2151.356 of the Revised Code, 5717
as needed for the civil action. The party also may copy the 5718
records as needed for the civil action. The sealed records shall 5719
be used solely in the civil action and are otherwise 5720
confidential and subject to the provisions of this section; 5721

(6) By the attorney general or an authorized employee of 5722
the attorney general or the court for purposes of determining 5723

whether a child is a public registry-qualified juvenile offender 5724
registrant, as defined in section 2950.01 of the Revised Code, 5725
for purposes of Chapter 2950. of the Revised Code. 5726

(F) No officer or employee of the state or any of its 5727
political subdivisions shall knowingly release, disseminate, or 5728
make available for any purpose involving employment, bonding, 5729
licensing, or education to any person or to any department, 5730
agency, or other instrumentality of the state or of any of its 5731
political subdivisions any information or other data concerning 5732
any arrest, taking into custody, complaint, indictment, 5733
information, trial, hearing, adjudication, or correctional 5734
supervision, the records of which have been sealed pursuant to 5735
section 2151.356 of the Revised Code and the release, 5736
dissemination, or making available of which is not expressly 5737
permitted by this section. Whoever violates this division is 5738
guilty of divulging confidential information, a misdemeanor of 5739
the fourth degree. 5740

(G) In any application for employment, license, or other 5741
right or privilege, any appearance as a witness, or any other 5742
inquiry, a person may not be questioned with respect to any 5743
arrest or taking into custody for which the records were sealed. 5744
If an inquiry is made in violation of this division, the person 5745
may respond as if the sealed arrest or taking into custody did 5746
not occur, and the person shall not be subject to any adverse 5747
action because of the arrest or taking into custody or the 5748
response. 5749

(H) The judgment rendered by the court under this chapter 5750
shall not impose any of the civil disabilities ordinarily 5751
imposed by conviction of a crime in that the child is not a 5752
criminal by reason of the adjudication, and no child shall be 5753

charged with or convicted of a crime in any court except as 5754
provided by this chapter. The disposition of a child under the 5755
judgment rendered or any evidence given in court shall not 5756
operate to disqualify a child in any future civil service 5757
examination, appointment, or application. Evidence of a judgment 5758
rendered and the disposition of a child under the judgment is 5759
not admissible to impeach the credibility of the child in any 5760
action or proceeding. Otherwise, the disposition of a child 5761
under the judgment rendered or any evidence given in court is 5762
admissible as evidence for or against the child in any action or 5763
proceeding in any court in accordance with the Rules of Evidence 5764
and also may be considered by any court as to the matter of 5765
sentence or to the granting of probation, and a court may 5766
consider the judgment rendered and the disposition of a child 5767
under that judgment for purposes of determining whether the 5768
child, for a future criminal conviction or guilty plea, is a 5769
repeat violent offender, as defined in section 2929.01 of the 5770
Revised Code. 5771

Sec. 2151.362. (A) (1) In the manner prescribed by division 5772
(C) (1) or (2) of section 3313.64 of the Revised Code, as 5773
applicable, the court, at the time of making any order that 5774
removes a child from the child's own home or that vests legal or 5775
permanent custody of the child in a person other than the 5776
child's parent or a government agency, shall determine the 5777
school district that is to bear the cost of educating the child. 5778
The court shall make the determination a part of the order that 5779
provides for the child's placement or commitment. That school 5780
district shall bear the cost of educating the child unless and 5781
until the department of education and workforce determines that 5782
a different district shall be responsible for bearing that cost 5783
pursuant to division (A) (2) of this section. The court's order 5784

shall state that the determination of which school district is 5785
responsible to bear the cost of educating the child is subject 5786
to re-determination by the department pursuant to that division. 5787

(2) If, while the child is in the custody of a person 5788
other than the child's parent or a government agency, the 5789
department of education and workforce determines that the place 5790
of residence of the child's parent has changed since the court 5791
issued its initial order, the department may name a different 5792
school district to bear the cost of educating the child. The 5793
department shall make this new determination, and any future 5794
determinations, based on evidence received from the school 5795
district currently responsible to bear the cost of educating the 5796
child. If the department finds that the evidence demonstrates to 5797
its satisfaction that the residence of the child's parent has 5798
changed since the court issued its initial order under division 5799
(A) (1) of this section, or since the department last made a 5800
determination under division (A) (2) of this section, the 5801
department shall name the district in which the child's parent 5802
currently resides or, if the parent's residence is not known, 5803
the district in which the parent's last known residence is 5804
located. If the department cannot determine any Ohio district in 5805
which the parent currently resides or has resided, the school 5806
district designated in the initial court order under division 5807
(A) (1) of this section, or in the most recent determination made 5808
by the department under division (A) (2) of this section, shall 5809
continue to bear the cost of educating the child. 5810

(B) Whenever a child is placed in a detention facility 5811
established under section 2152.41 of the Revised Code or a 5812
juvenile facility established under section 2151.65 of the 5813
Revised Code, the facility shall be responsible for coordinating 5814
the education of the child. The facility may take any of the 5815

following measures in coordinating the education of the child:	5816
(1) If applicable, use the chartered nonpublic school that the facility operates;	5817 5818
(2) Arrange with the school district responsible for bearing the cost of educating the child determined under division (A) of this section, for the facility to educate the child on its own;	5819 5820 5821 5822
(3) Contract with an educational service center for the service center to educate the child;	5823 5824
(4) Contract with the school district in which the facility is located for that school district to educate the child;	5825 5826 5827
(5) If the child is enrolled in an internet- or computer-based community school established under Chapter 3314. of the Revised Code, and provided that the facility possesses the necessary hardware, software, and internet connectivity, permit continued instruction of the child by the internet- or computer-based community school.	5828 5829 5830 5831 5832 5833
If the facility coordinates the education of the child pursuant to division (B) (1), (2), (3), or (4) of this section, child's school district as determined by the court or the department, in the same manner as prescribed in division (A) of this section, shall pay the cost of educating the child based on the per capita cost of the educational facility within the detention home or juvenile facility.	5834 5835 5836 5837 5838 5839 5840
If the facility coordinates the education of the child pursuant to division (B) (5) of this section, payment for the cost of educating the child shall be made only as provided in section 3317.022 of the Revised Code.	5841 5842 5843 5844

(C) Whenever a child is placed by the court in a private institution, school, or residential treatment center or any other private facility, the state shall pay to the court a subsidy to help defray the expense of educating the child in an amount equal to the product of the daily per capita educational cost of the private facility, as determined pursuant to this section, and the number of days the child resides at the private facility, provided that the subsidy shall not exceed twenty-five hundred dollars per year per child. The daily per capita educational cost of a private facility shall be determined by dividing the actual program cost of the private facility or twenty-five hundred dollars, whichever is less, by three hundred sixty-five days or by three hundred sixty-six days for years that include February twenty-ninth. The state shall pay seventy-five per cent of the total subsidy for each year quarterly to the court. The state may adjust the remaining twenty-five per cent of the total subsidy to be paid to the court for each year to an amount that is less than twenty-five per cent of the total subsidy for that year based upon the availability of funds appropriated to the department of education and workforce for the purpose of subsidizing courts that place a child in a private institution, school, or residential treatment center or any other private facility and shall pay that adjusted amount to the court at the end of the year.

Sec. 2305.111. (A) As used in this section: 5869

(1) "Childhood sexual abuse" means any conduct that constitutes any of the violations identified in division (A)(1) (a) or (b) of this section and would constitute a criminal offense under the specified section or division of the Revised Code, if the victim of the violation is at the time of the violation a child under eighteen years of age or a child with a

developmental disability or physical impairment under twenty-one 5876
years of age. The court need not find that any person has been 5877
convicted of or pleaded guilty to the offense under the 5878
specified section or division of the Revised Code in order for 5879
the conduct that is the violation constituting the offense to be 5880
childhood sexual abuse for purposes of this division. This 5881
division applies to any of the following violations committed in 5882
the following specified circumstances: 5883

(a) A violation of section 2907.02 or of division (A) (1), 5884
(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 5885
of the Revised Code; 5886

(b) A violation of section 2907.05 or 2907.06 of the 5887
Revised Code if, at the time of the violation, any of the 5888
following apply: 5889

(i) The actor is the victim's natural parent, adoptive 5890
parent, or stepparent or the guardian, custodian, or person in 5891
loco parentis of the victim. 5892

(ii) The victim is in custody of law or a patient in a 5893
hospital or other institution, and the actor has supervisory or 5894
disciplinary authority over the victim. 5895

(iii) The actor is a teacher, administrator, coach, or 5896
other person in authority employed by or serving in a school for 5897
which the ~~state board director~~ of education and workforce 5898
prescribes minimum standards pursuant to division (D) of section 5899
3301.07 of the Revised Code, the victim is enrolled in or 5900
attends that school, and the actor is not enrolled in and does 5901
not attend that school. 5902

(iv) The actor is a teacher, administrator, coach, or 5903
other person in authority employed by or serving in an 5904

institution of higher education, and the victim is enrolled in 5905
or attends that institution. 5906

(v) The actor is the victim's athletic or other type of 5907
coach, is the victim's instructor, is the leader of a scouting 5908
troop of which the victim is a member, or is a person with 5909
temporary or occasional disciplinary control over the victim. 5910

(vi) The actor is a mental health professional, the victim 5911
is a mental health client or patient of the actor, and the actor 5912
induces the victim to submit by falsely representing to the 5913
victim that the sexual contact involved in the violation is 5914
necessary for mental health treatment purposes. 5915

(vii) The victim is confined in a detention facility, and 5916
the actor is an employee of that detention facility. 5917

(viii) The actor is a cleric, and the victim is a member 5918
of, or attends, the church or congregation served by the cleric. 5919

(2) "Cleric" has the same meaning as in section 2317.02 of 5920
the Revised Code. 5921

(3) "Mental health client or patient" has the same meaning 5922
as in section 2305.51 of the Revised Code. 5923

(4) "Mental health professional" has the same meaning as 5924
in section 2305.115 of the Revised Code. 5925

(5) "Sexual contact" has the same meaning as in section 5926
2907.01 of the Revised Code. 5927

(6) "Victim" means, except as provided in division (B) of 5928
this section, a victim of childhood sexual abuse. 5929

(B) Except as provided in section 2305.115 of the Revised 5930
Code and subject to division (C) of this section, an action for 5931

assault or battery shall be brought within one year after the 5932
cause of the action accrues. For purposes of this section, a 5933
cause of action for assault or battery accrues upon the later of 5934
the following: 5935

(1) The date on which the alleged assault or battery 5936
occurred; 5937

(2) If the plaintiff did not know the identity of the 5938
person who allegedly committed the assault or battery on the 5939
date on which it allegedly occurred, the earlier of the 5940
following dates: 5941

(a) The date on which the plaintiff learns the identity of 5942
that person; 5943

(b) The date on which, by the exercise of reasonable 5944
diligence, the plaintiff should have learned the identity of 5945
that person. 5946

(C) An action for assault or battery brought by a victim 5947
of childhood sexual abuse based on childhood sexual abuse, or an 5948
action brought by a victim of childhood sexual abuse asserting 5949
any claim resulting from childhood sexual abuse, shall be 5950
brought within twelve years after the cause of action accrues. 5951
For purposes of this section, a cause of action for assault or 5952
battery based on childhood sexual abuse, or a cause of action 5953
for a claim resulting from childhood sexual abuse, accrues upon 5954
the date on which the victim reaches the age of majority. If the 5955
defendant in an action brought by a victim of childhood sexual 5956
abuse asserting a claim resulting from childhood sexual abuse 5957
that occurs on or after August 3, 2006, has fraudulently 5958
concealed from the plaintiff facts that form the basis of the 5959
claim, the running of the limitations period with regard to that 5960

claim is tolled until the time when the plaintiff discovers or 5961
in the exercise of due diligence should have discovered those 5962
facts. 5963

Sec. 2901.01. (A) As used in the Revised Code: 5964

(1) "Force" means any violence, compulsion, or constraint 5965
physically exerted by any means upon or against a person or 5966
thing. 5967

(2) "Deadly force" means any force that carries a 5968
substantial risk that it will proximately result in the death of 5969
any person. 5970

(3) "Physical harm to persons" means any injury, illness, 5971
or other physiological impairment, regardless of its gravity or 5972
duration. 5973

(4) "Physical harm to property" means any tangible or 5974
intangible damage to property that, in any degree, results in 5975
loss to its value or interferes with its use or enjoyment. 5976
"Physical harm to property" does not include wear and tear 5977
occasioned by normal use. 5978

(5) "Serious physical harm to persons" means any of the 5979
following: 5980

(a) Any mental illness or condition of such gravity as 5981
would normally require hospitalization or prolonged psychiatric 5982
treatment; 5983

(b) Any physical harm that carries a substantial risk of 5984
death; 5985

(c) Any physical harm that involves some permanent 5986
incapacity, whether partial or total, or that involves some 5987
temporary, substantial incapacity; 5988

(d) Any physical harm that involves some permanent	5989
disfigurement or that involves some temporary, serious	5990
disfigurement;	5991
(e) Any physical harm that involves acute pain of such	5992
duration as to result in substantial suffering or that involves	5993
any degree of prolonged or intractable pain.	5994
(6) "Serious physical harm to property" means any physical	5995
harm to property that does either of the following:	5996
(a) Results in substantial loss to the value of the	5997
property or requires a substantial amount of time, effort, or	5998
money to repair or replace;	5999
(b) Temporarily prevents the use or enjoyment of the	6000
property or substantially interferes with its use or enjoyment	6001
for an extended period of time.	6002
(7) "Risk" means a significant possibility, as contrasted	6003
with a remote possibility, that a certain result may occur or	6004
that certain circumstances may exist.	6005
(8) "Substantial risk" means a strong possibility, as	6006
contrasted with a remote or significant possibility, that a	6007
certain result may occur or that certain circumstances may	6008
exist.	6009
(9) "Offense of violence" means any of the following:	6010
(a) A violation of section 2903.01, 2903.02, 2903.03,	6011
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.21, 2903.211,	6012
2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 2907.03,	6013
2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 2911.11,	6014
2917.01, 2917.02, 2917.03, 2917.31, 2919.25, 2921.03, 2921.04,	6015
2921.34, or 2923.161, of division (A)(1) of section 2903.34, of	6016

division (A) (1), (2), or (3) of section 2911.12, or of division 6017
(B) (1), (2), (3), or (4) of section 2919.22 of the Revised Code 6018
or felonious sexual penetration in violation of former section 6019
2907.12 of the Revised Code; 6020

(b) A violation of an existing or former municipal 6021
ordinance or law of this or any other state or the United 6022
States, substantially equivalent to any section, division, or 6023
offense listed in division (A) (9) (a) of this section; 6024

(c) An offense, other than a traffic offense, under an 6025
existing or former municipal ordinance or law of this or any 6026
other state or the United States, committed purposely or 6027
knowingly, and involving physical harm to persons or a risk of 6028
serious physical harm to persons; 6029

(d) A conspiracy or attempt to commit, or complicity in 6030
committing, any offense under division (A) (9) (a), (b), or (c) of 6031
this section. 6032

(10) (a) "Property" means any property, real or personal, 6033
tangible or intangible, and any interest or license in that 6034
property. "Property" includes, but is not limited to, cable 6035
television service, other telecommunications service, 6036
telecommunications devices, information service, computers, 6037
data, computer software, financial instruments associated with 6038
computers, other documents associated with computers, or copies 6039
of the documents, whether in machine or human readable form, 6040
trade secrets, trademarks, copyrights, patents, and property 6041
protected by a trademark, copyright, or patent. "Financial 6042
instruments associated with computers" include, but are not 6043
limited to, checks, drafts, warrants, money orders, notes of 6044
indebtedness, certificates of deposit, letters of credit, bills 6045
of credit or debit cards, financial transaction authorization 6046

mechanisms, marketable securities, or any computer system 6047
representations of any of them. 6048

(b) As used in division (A)(10) of this section, "trade 6049
secret" has the same meaning as in section 1333.61 of the 6050
Revised Code, and "telecommunications service" and "information 6051
service" have the same meanings as in section 2913.01 of the 6052
Revised Code. 6053

(c) As used in divisions (A)(10) and (13) of this section, 6054
"cable television service," "computer," "computer software," 6055
"computer system," "computer network," "data," and 6056
"telecommunications device" have the same meanings as in section 6057
2913.01 of the Revised Code. 6058

(11) "Law enforcement officer" means any of the following: 6059

(a) A sheriff, deputy sheriff, constable, police officer 6060
of a township or joint police district, marshal, deputy marshal, 6061
municipal police officer, member of a police force employed by a 6062
metropolitan housing authority under division (D) of section 6063
3735.31 of the Revised Code, or state highway patrol trooper; 6064

(b) An officer, agent, or employee of the state or any of 6065
its agencies, instrumentalities, or political subdivisions, upon 6066
whom, by statute, a duty to conserve the peace or to enforce all 6067
or certain laws is imposed and the authority to arrest violators 6068
is conferred, within the limits of that statutory duty and 6069
authority; 6070

(c) A mayor, in the mayor's capacity as chief conservator 6071
of the peace within the mayor's municipal corporation; 6072

(d) A member of an auxiliary police force organized by 6073
county, township, or municipal law enforcement authorities, 6074
within the scope of the member's appointment or commission; 6075

(e) A person lawfully called pursuant to section 311.07 of the Revised Code to aid a sheriff in keeping the peace, for the purposes and during the time when the person is called;

(f) A person appointed by a mayor pursuant to section ~~737.01~~737.10 of the Revised Code as a special patrolling officer during riot or emergency, for the purposes and during the time when the person is appointed;

(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence;

(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor;

(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code;

(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code;

(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code;

(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E) (1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms;

(m) The senate sergeant at arms and an assistant senate sergeant at arms;

(n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air

navigation facility, that has scheduled operations, as defined 6104
in section 119.3 of Title 14 of the Code of Federal Regulations, 6105
14 C.F.R. 119.3, as amended, and that is required to be under a 6106
security program and is governed by aviation security rules of 6107
the transportation security administration of the United States 6108
department of transportation as provided in Parts 1542. and 6109
1544. of Title 49 of the Code of Federal Regulations, as 6110
amended. 6111

(12) "Privilege" means an immunity, license, or right 6112
conferred by law, bestowed by express or implied grant, arising 6113
out of status, position, office, or relationship, or growing out 6114
of necessity. 6115

(13) "Contraband" means any property that is illegal for a 6116
person to acquire or possess under a statute, ordinance, or 6117
rule, or that a trier of fact lawfully determines to be illegal 6118
to possess by reason of the property's involvement in an 6119
offense. "Contraband" includes, but is not limited to, all of 6120
the following: 6121

(a) Any controlled substance, as defined in section 6122
3719.01 of the Revised Code, or any device or paraphernalia; 6123

(b) Any unlawful gambling device or paraphernalia; 6124

(c) Any dangerous ordnance or obscene material. 6125

(14) A person is "not guilty by reason of insanity" 6126
relative to a charge of an offense only if the person proves, in 6127
the manner specified in section 2901.05 of the Revised Code, 6128
that at the time of the commission of the offense, the person 6129
did not know, as a result of a severe mental disease or defect, 6130
the wrongfulness of the person's acts. 6131

(B) (1) (a) Subject to division (B) (2) of this section, as 6132

used in any section contained in Title XXIX of the Revised Code 6133
that sets forth a criminal offense, "person" includes all of the 6134
following: 6135

(i) An individual, corporation, business trust, estate, 6136
trust, partnership, and association; 6137

(ii) An unborn human who is viable. 6138

(b) As used in any section contained in Title XXIX of the 6139
Revised Code that does not set forth a criminal offense, 6140
"person" includes an individual, corporation, business trust, 6141
estate, trust, partnership, and association. 6142

(c) As used in division (B) (1) (a) of this section: 6143

(i) "Unborn human" means an individual organism of the 6144
species *Homo sapiens* from fertilization until live birth. 6145

(ii) "Viable" means the stage of development of a human 6146
fetus at which there is a realistic possibility of maintaining 6147
and nourishing of a life outside the womb with or without 6148
temporary artificial life-sustaining support. 6149

(2) Notwithstanding division (B) (1) (a) of this section, in 6150
no case shall the portion of the definition of the term "person" 6151
that is set forth in division (B) (1) (a) (ii) of this section be 6152
applied or construed in any section contained in Title XXIX of 6153
the Revised Code that sets forth a criminal offense in any of 6154
the following manners: 6155

(a) Except as otherwise provided in division (B) (2) (a) of 6156
this section, in a manner so that the offense prohibits or is 6157
construed as prohibiting any pregnant woman or her physician 6158
from performing an abortion with the consent of the pregnant 6159
woman, with the consent of the pregnant woman implied by law in 6160

a medical emergency, or with the approval of one otherwise 6161
authorized by law to consent to medical treatment on behalf of 6162
the pregnant woman. An abortion that violates the conditions 6163
described in the immediately preceding sentence may be punished 6164
as a violation of section 2903.01, 2903.02, 2903.03, 2903.04, 6165
2903.05, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 6166
2903.21, or 2903.22 of the Revised Code, as applicable. An 6167
abortion that does not violate the conditions described in the 6168
second immediately preceding sentence, but that does violate 6169
section 2919.12, division (B) of section 2919.13, or section 6170
2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, may 6171
be punished as a violation of section 2919.12, division (B) of 6172
section 2919.13, or section 2919.15, 2919.151, 2919.17, or 6173
2919.18 of the Revised Code, as applicable. Consent is 6174
sufficient under this division if it is of the type otherwise 6175
adequate to permit medical treatment to the pregnant woman, even 6176
if it does not comply with section 2919.12 of the Revised Code. 6177

(b) In a manner so that the offense is applied or is 6178
construed as applying to a woman based on an act or omission of 6179
the woman that occurs while she is or was pregnant and that 6180
results in any of the following: 6181

(i) Her delivery of a stillborn baby; 6182

(ii) Her causing, in any other manner, the death in utero 6183
of a viable, unborn human that she is carrying; 6184

(iii) Her causing the death of her child who is born alive 6185
but who dies from one or more injuries that are sustained while 6186
the child is a viable, unborn human; 6187

(iv) Her causing her child who is born alive to sustain 6188
one or more injuries while the child is a viable, unborn human; 6189

(v) Her causing, threatening to cause, or attempting to 6190
cause, in any other manner, an injury, illness, or other 6191
physiological impairment, regardless of its duration or gravity, 6192
or a mental illness or condition, regardless of its duration or 6193
gravity, to a viable, unborn human that she is carrying. 6194

(C) As used in Title XXIX of the Revised Code: 6195

(1) "School safety zone" consists of a school, school 6196
building, school premises, school activity, and school bus. 6197

(2) "School," "school building," and "school premises" 6198
have the same meanings as in section 2925.01 of the Revised 6199
Code. 6200

(3) "School activity" means any activity held under the 6201
auspices of a board of education of a city, local, exempted 6202
village, joint vocational, or cooperative education school 6203
district; a governing authority of a community school 6204
established under Chapter 3314. of the Revised Code; a governing 6205
board of an educational service center, or the governing body of 6206
a school for which the ~~state board~~ director of education and 6207
workforce prescribes minimum standards under section 3301.07 of 6208
the Revised Code. 6209

(4) "School bus" has the same meaning as in section 6210
4511.01 of the Revised Code. 6211

Sec. 2903.13. (A) No person shall knowingly cause or 6212
attempt to cause physical harm to another or to another's 6213
unborn. 6214

(B) No person shall recklessly cause serious physical harm 6215
to another or to another's unborn. 6216

(C) (1) Whoever violates this section is guilty of assault, 6217

and the court shall sentence the offender as provided in this 6218
division and divisions (C) (1), (2), (3), (4), (5), (6), (7), 6219
(8), (9), and (10) of this section. Except as otherwise provided 6220
in division (C) (2), (3), (4), (5), (6), (7), (8), or (9) of this 6221
section, assault is a misdemeanor of the first degree. 6222

(2) Except as otherwise provided in this division, if the 6223
offense is committed by a caretaker against a functionally 6224
impaired person under the caretaker's care, assault is a felony 6225
of the fourth degree. If the offense is committed by a caretaker 6226
against a functionally impaired person under the caretaker's 6227
care, if the offender previously has been convicted of or 6228
pleaded guilty to a violation of this section or section 2903.11 6229
or 2903.16 of the Revised Code, and if in relation to the 6230
previous conviction the offender was a caretaker and the victim 6231
was a functionally impaired person under the offender's care, 6232
assault is a felony of the third degree. 6233

(3) If the offense occurs in or on the grounds of a state 6234
correctional institution or an institution of the department of 6235
youth services, the victim of the offense is an employee of the 6236
department of rehabilitation and correction or the department of 6237
youth services, and the offense is committed by a person 6238
incarcerated in the state correctional institution or by a 6239
person institutionalized in the department of youth services 6240
institution pursuant to a commitment to the department of youth 6241
services, assault is a felony of the third degree. 6242

(4) If the offense is committed in any of the following 6243
circumstances, assault is a felony of the fifth degree: 6244

(a) The offense occurs in or on the grounds of a local 6245
correctional facility, the victim of the offense is an employee 6246
of the local correctional facility or a probation department or 6247

is on the premises of the facility for business purposes or as a 6248
visitor, and the offense is committed by a person who is under 6249
custody in the facility subsequent to the person's arrest for 6250
any crime or delinquent act, subsequent to the person's being 6251
charged with or convicted of any crime, or subsequent to the 6252
person's being alleged to be or adjudicated a delinquent child. 6253

(b) The offense occurs off the grounds of a state 6254
correctional institution and off the grounds of an institution 6255
of the department of youth services, the victim of the offense 6256
is an employee of the department of rehabilitation and 6257
correction, the department of youth services, or a probation 6258
department, the offense occurs during the employee's official 6259
work hours and while the employee is engaged in official work 6260
responsibilities, and the offense is committed by a person 6261
incarcerated in a state correctional institution or 6262
institutionalized in the department of youth services who 6263
temporarily is outside of the institution for any purpose, by a 6264
parolee, by an offender under transitional control, under a 6265
community control sanction, or on an escorted visit, by a person 6266
under post-release control, or by an offender under any other 6267
type of supervision by a government agency. 6268

(c) The offense occurs off the grounds of a local 6269
correctional facility, the victim of the offense is an employee 6270
of the local correctional facility or a probation department, 6271
the offense occurs during the employee's official work hours and 6272
while the employee is engaged in official work responsibilities, 6273
and the offense is committed by a person who is under custody in 6274
the facility subsequent to the person's arrest for any crime or 6275
delinquent act, subsequent to the person being charged with or 6276
convicted of any crime, or subsequent to the person being 6277
alleged to be or adjudicated a delinquent child and who 6278

temporarily is outside of the facility for any purpose or by a 6279
parolee, by an offender under transitional control, under a 6280
community control sanction, or on an escorted visit, by a person 6281
under post-release control, or by an offender under any other 6282
type of supervision by a government agency. 6283

(d) The victim of the offense is a school teacher or 6284
administrator or a school bus operator, and the offense occurs 6285
in a school, on school premises, in a school building, on a 6286
school bus, or while the victim is outside of school premises or 6287
a school bus and is engaged in duties or official 6288
responsibilities associated with the victim's employment or 6289
position as a school teacher or administrator or a school bus 6290
operator, including, but not limited to, driving, accompanying, 6291
or chaperoning students at or on class or field trips, athletic 6292
events, or other school extracurricular activities or functions 6293
outside of school premises. 6294

(5) If the victim of the offense is a peace officer or an 6295
investigator of the bureau of criminal identification and 6296
investigation, a firefighter, or a person performing emergency 6297
medical service, while in the performance of their official 6298
duties, assault is a felony of the fourth degree. 6299

(6) If the victim of the offense is a peace officer or an 6300
investigator of the bureau of criminal identification and 6301
investigation and if the victim suffered serious physical harm 6302
as a result of the commission of the offense, assault is a 6303
felony of the fourth degree, and the court, pursuant to division 6304
(F) of section 2929.13 of the Revised Code, shall impose as a 6305
mandatory prison term one of the prison terms prescribed for a 6306
felony of the fourth degree that is at least twelve months in 6307
duration. 6308

(7) If the victim of the offense is an officer or employee 6309
of a public children services agency or a private child placing 6310
agency and the offense relates to the officer's or employee's 6311
performance or anticipated performance of official 6312
responsibilities or duties, assault is either a felony of the 6313
fifth degree or, if the offender previously has been convicted 6314
of or pleaded guilty to an offense of violence, the victim of 6315
that prior offense was an officer or employee of a public 6316
children services agency or private child placing agency, and 6317
that prior offense related to the officer's or employee's 6318
performance or anticipated performance of official 6319
responsibilities or duties, a felony of the fourth degree. 6320

(8) If the victim of the offense is a health care 6321
professional of a hospital, a health care worker of a hospital, 6322
or a security officer of a hospital whom the offender knows or 6323
has reasonable cause to know is a health care professional of a 6324
hospital, a health care worker of a hospital, or a security 6325
officer of a hospital, if the victim is engaged in the 6326
performance of the victim's duties, and if the hospital offers 6327
de-escalation or crisis intervention training for such 6328
professionals, workers, or officers, assault is one of the 6329
following: 6330

(a) Except as otherwise provided in division (C) (8) (b) of 6331
this section, assault committed in the specified circumstances 6332
is a misdemeanor of the first degree. Notwithstanding the fine 6333
specified in division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of 6334
the Revised Code for a misdemeanor of the first degree, in 6335
sentencing the offender under this division and if the court 6336
decides to impose a fine, the court may impose upon the offender 6337
a fine of not more than five thousand dollars. 6338

(b) If the offender previously has been convicted of or
pleaded guilty to one or more assault or homicide offenses
committed against hospital personnel, assault committed in the
specified circumstances is a felony of the fifth degree.

(9) If the victim of the offense is a judge, magistrate,
prosecutor, or court official or employee whom the offender
knows or has reasonable cause to know is a judge, magistrate,
prosecutor, or court official or employee, and if the victim is
engaged in the performance of the victim's duties, assault is
one of the following:

(a) Except as otherwise provided in division ~~(C) (8) (b)~~ (C)
(9) (b) of this section, assault committed in the specified
circumstances is a misdemeanor of the first degree. In
sentencing the offender under this division, if the court
decides to impose a fine, notwithstanding the fine specified in
division ~~(A) (2) (b)~~ (A) (2) (a) of section 2929.28 of the Revised
Code for a misdemeanor of the first degree, the court may impose
upon the offender a fine of not more than five thousand dollars.

(b) If the offender previously has been convicted of or
pleaded guilty to one or more assault or homicide offenses
committed against justice system personnel, assault committed in
the specified circumstances is a felony of the fifth degree.

(10) If an offender who is convicted of or pleads guilty
to assault when it is a misdemeanor also is convicted of or
pleads guilty to a specification as described in section
2941.1423 of the Revised Code that was included in the
indictment, count in the indictment, or information charging the
offense, the court shall sentence the offender to a mandatory
jail term as provided in division (G) of section 2929.24 of the
Revised Code.

If an offender who is convicted of or pleads guilty to assault when it is a felony also is convicted of or pleads guilty to a specification as described in section 2941.1423 of the Revised Code that was included in the indictment, count in the indictment, or information charging the offense, except as otherwise provided in division (C) (6) of this section, the court shall sentence the offender to a mandatory prison term as provided in division (B) (8) of section 2929.14 of the Revised Code.

(D) As used in this section:

(1) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(2) "Firefighter" has the same meaning as in section 3937.41 of the Revised Code.

(3) "Emergency medical service" has the same meaning as in section 4765.01 of the Revised Code.

(4) "Local correctional facility" means a county, multicounty, municipal, municipal-county, or multicounty-municipal jail or workhouse, a minimum security jail established under section 341.23 or 753.21 of the Revised Code, or another county, multicounty, municipal, municipal-county, or multicounty-municipal facility used for the custody of persons arrested for any crime or delinquent act, persons charged with or convicted of any crime, or persons alleged to be or adjudicated a delinquent child.

(5) "Employee of a local correctional facility" means a person who is an employee of the political subdivision or of one or more of the affiliated political subdivisions that operates the local correctional facility and who operates or assists in

the operation of the facility. 6398

(6) "School teacher or administrator" means either of the 6399
following: 6400

(a) A person who is employed in the public schools of the 6401
state under a contract described in section 3311.77 or 3319.08 6402
of the Revised Code in a position in which the person is 6403
required to have a certificate issued pursuant to sections 6404
3319.22 to 3319.311 of the Revised Code. 6405

(b) A person who is employed by a nonpublic school for 6406
which the ~~state board~~ director of education and workforce 6407
prescribes minimum standards under section 3301.07 of the 6408
Revised Code and who is certificated in accordance with section 6409
3301.071 of the Revised Code. 6410

(7) "Community control sanction" has the same meaning as 6411
in section 2929.01 of the Revised Code. 6412

(8) "Escorted visit" means an escorted visit granted under 6413
section 2967.27 of the Revised Code. 6414

(9) "Post-release control" and "transitional control" have 6415
the same meanings as in section 2967.01 of the Revised Code. 6416

(10) "Investigator of the bureau of criminal 6417
identification and investigation" has the same meaning as in 6418
section 2903.11 of the Revised Code. 6419

(11) "Health care professional" and "health care worker" 6420
have the same meanings as in section 2305.234 of the Revised 6421
Code. 6422

(12) "Assault or homicide offense committed against 6423
hospital personnel" means a violation of this section or of 6424
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 6425

2903.12, or 2903.14 of the Revised Code committed in 6426
circumstances in which all of the following apply: 6427

(a) The victim of the offense was a health care 6428
professional of a hospital, a health care worker of a hospital, 6429
or a security officer of a hospital. 6430

(b) The offender knew or had reasonable cause to know that 6431
the victim was a health care professional of a hospital, a 6432
health care worker of a hospital, or a security officer of a 6433
hospital. 6434

(c) The victim was engaged in the performance of the 6435
victim's duties. 6436

(d) The hospital offered de-escalation or crisis 6437
intervention training for such professionals, workers, or 6438
officers. 6439

(13) "De-escalation or crisis intervention training" means 6440
de-escalation or crisis intervention training for health care 6441
professionals of a hospital, health care workers of a hospital, 6442
and security officers of a hospital to facilitate interaction 6443
with patients, members of a patient's family, and visitors, 6444
including those with mental impairments. 6445

(14) "Assault or homicide offense committed against 6446
justice system personnel" means a violation of this section or 6447
of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 6448
2903.11, 2903.12, or 2903.14 of the Revised Code committed in 6449
circumstances in which the victim of the offense was a judge, 6450
magistrate, prosecutor, or court official or employee whom the 6451
offender knew or had reasonable cause to know was a judge, 6452
magistrate, prosecutor, or court official or employee, and the 6453
victim was engaged in the performance of the victim's duties. 6454

(15) "Court official or employee" means any official or 6455
employee of a court created under the constitution or statutes 6456
of this state or of a United States court located in this state. 6457

(16) "Judge" means a judge of a court created under the 6458
constitution or statutes of this state or of a United States 6459
court located in this state. 6460

(17) "Magistrate" means an individual who is appointed by 6461
a court of record of this state and who has the powers and may 6462
perform the functions specified in Civil Rule 53, Criminal Rule 6463
19, or Juvenile Rule 40, or an individual who is appointed by a 6464
United States court located in this state who has similar powers 6465
and functions. 6466

(18) "Prosecutor" has the same meaning as in section 6467
2935.01 of the Revised Code. 6468

(19) (a) "Hospital" means, subject to division (D) (19) (b) 6469
of this section, an institution classified as a hospital under 6470
section 3701.01 of the Revised Code in which are provided to 6471
patients diagnostic, medical, surgical, obstetrical, 6472
psychiatric, or rehabilitation care or a hospital operated by a 6473
health maintenance organization. 6474

(b) "Hospital" does not include any of the following: 6475

(i) A facility licensed under Chapter 3721. of the Revised 6476
Code, a health care facility operated by the department of 6477
mental health or the department of developmental disabilities, a 6478
health maintenance organization that does not operate a 6479
hospital, or the office of any private, licensed health care 6480
professional, whether organized for individual or group 6481
practice; 6482

(ii) An institution for the sick that is operated 6483

exclusively for patients who use spiritual means for healing and 6484
for whom the acceptance of medical care is inconsistent with 6485
their religious beliefs, accredited by a national accrediting 6486
organization, exempt from federal income taxation under section 6487
501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 6488
U.S.C. 1, as amended, and providing twenty-four-hour nursing 6489
care pursuant to the exemption in division (E) of section 6490
4723.32 of the Revised Code from the licensing requirements of 6491
Chapter 4723. of the Revised Code. 6492

(20) "Health maintenance organization" has the same 6493
meaning as in section 3727.01 of the Revised Code. 6494

Sec. 2907.03. (A) No person shall engage in sexual conduct 6495
with another, not the spouse of the offender, when any of the 6496
following apply: 6497

(1) The offender knowingly coerces the other person to 6498
submit by any means that would prevent resistance by a person of 6499
ordinary resolution. 6500

(2) The offender knows that the other person's ability to 6501
appraise the nature of or control the other person's own conduct 6502
is substantially impaired. 6503

(3) The offender knows that the other person submits 6504
because the other person is unaware that the act is being 6505
committed. 6506

(4) The offender knows that the other person submits 6507
because the other person mistakenly identifies the offender as 6508
the other person's spouse. 6509

(5) The offender is the other person's natural or adoptive 6510
parent, or a stepparent, or guardian, custodian, or person in 6511
loco parentis of the other person. 6512

(6) The other person is in custody of law or a patient in 6513
a hospital or other institution, and the offender has 6514
supervisory or disciplinary authority over the other person. 6515

(7) The offender is a teacher, administrator, coach, or 6516
other person in authority employed by or serving in a school for 6517
which the ~~state board~~ director of education and workforce 6518
prescribes minimum standards pursuant to division (D) of section 6519
3301.07 of the Revised Code, the other person is enrolled in or 6520
attends that school, and the offender is not enrolled in and 6521
does not attend that school. 6522

(8) The other person is a minor, the offender is a 6523
teacher, administrator, coach, or other person in authority 6524
employed by or serving in an institution of higher education, 6525
and the other person is enrolled in or attends that institution. 6526

(9) The other person is a minor, and the offender is the 6527
other person's athletic or other type of coach, is the other 6528
person's instructor, is the leader of a scouting troop of which 6529
the other person is a member, or is a person with temporary or 6530
occasional disciplinary control over the other person. 6531

(10) The offender is a mental health professional, the 6532
other person is a mental health client or patient of the 6533
offender, and the offender induces the other person to submit by 6534
falsely representing to the other person that the sexual conduct 6535
is necessary for mental health treatment purposes. 6536

(11) The other person is confined in a detention facility, 6537
and the offender is an employee of that detention facility. 6538

(12) The other person is a minor, the offender is a 6539
cleric, and the other person is a member of, or attends, the 6540
church or congregation served by the cleric. 6541

(13) The other person is a minor, the offender is a peace officer, and the offender is more than two years older than the other person.

(B) Whoever violates this section is guilty of sexual battery. Except as otherwise provided in this division, sexual battery is a felony of the third degree. If the other person is less than thirteen years of age, sexual battery is a felony of the second degree, and the court shall impose upon the offender a mandatory prison term equal to one of the definite prison terms prescribed in division (A) (2) (b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation is committed on or after ~~the effective date of this amendment~~ March 22, 2019, the court shall impose as the minimum prison term for the offense a mandatory prison term that is one of the minimum terms prescribed in division (A) (2) (a) of that section for a felony of the second degree.

(C) As used in this section:

(1) "Cleric" has the same meaning as in section 2317.02 of the Revised Code.

(2) "Detention facility" has the same meaning as in section 2921.01 of the Revised Code.

(3) "Institution of higher education" means a state institution of higher education defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued by the ~~Ohio board-chancellor of regents-~~ higher education pursuant to Chapter 1713. of the Revised Code, or a school certified under Chapter 3332. of the Revised Code.

(4) "Peace officer" has the same meaning as in section

2935.01 of the Revised Code. 6571

Sec. 2917.31. (A) No person shall cause the evacuation of 6572
any public place, or otherwise cause serious public 6573
inconvenience or alarm, by doing any of the following: 6574

(1) Initiating or circulating a report or warning of an 6575
alleged or impending fire, explosion, crime, or other 6576
catastrophe, knowing that such report or warning is false; 6577

(2) Threatening to commit any offense of violence; 6578

(3) Committing any offense, with reckless disregard of the 6579
likelihood that its commission will cause serious public 6580
inconvenience or alarm. 6581

(B) Division (A)(1) of this section does not apply to any 6582
person conducting an authorized fire or emergency drill. 6583

(C)(1) Whoever violates this section is guilty of inducing 6584
panic. 6585

(2) Except as otherwise provided in division (C)(3), (4), 6586
(5), (6), (7), or (8) of this section, inducing panic is a 6587
misdemeanor of the first degree. 6588

(3) Except as otherwise provided in division (C)(4), (5), 6589
(6), (7), or (8) of this section, if a violation of this section 6590
results in physical harm to any person, inducing panic is a 6591
felony of the fourth degree. 6592

(4) Except as otherwise provided in division (C)(5), (6), 6593
(7), or (8) of this section, if a violation of this section 6594
results in economic harm, the penalty shall be determined as 6595
follows: 6596

(a) If the violation results in economic harm of one 6597

thousand dollars or more but less than seven thousand five 6598
hundred dollars and if division (C) (3) of this section does not 6599
apply, inducing panic is a felony of the fifth degree. 6600

(b) If the violation results in economic harm of seven 6601
thousand five hundred dollars or more but less than one hundred 6602
fifty thousand dollars, inducing panic is a felony of the fourth 6603
degree. 6604

(c) If the violation results in economic harm of one 6605
hundred fifty thousand dollars or more, inducing panic is a 6606
felony of the third degree. 6607

(5) If the public place involved in a violation of 6608
division (A) (1) of this section is a school or an institution of 6609
higher education, inducing panic is a felony of the second 6610
degree. 6611

(6) If the violation pertains to a purported, threatened, 6612
or actual use of a weapon of mass destruction, and except as 6613
otherwise provided in division (C) (5), (7), or (8) of this 6614
section, inducing panic is a felony of the fourth degree. 6615

(7) If the violation pertains to a purported, threatened, 6616
or actual use of a weapon of mass destruction, and except as 6617
otherwise provided in division (C) (5) of this section, if a 6618
violation of this section results in physical harm to any 6619
person, inducing panic is a felony of the third degree. 6620

(8) If the violation pertains to a purported, threatened, 6621
or actual use of a weapon of mass destruction, and except as 6622
otherwise provided in division (C) (5) of this section, if a 6623
violation of this section results in economic harm of one 6624
hundred thousand dollars or more, inducing panic is a felony of 6625
the third degree. 6626

(D) (1) It is not a defense to a charge under this section 6627
that pertains to a purported or threatened use of a weapon of 6628
mass destruction that the offender did not possess or have the 6629
ability to use a weapon of mass destruction or that what was 6630
represented to be a weapon of mass destruction was not a weapon 6631
of mass destruction. 6632

(2) Any act that is a violation of this section and any 6633
other section of the Revised Code may be prosecuted under this 6634
section, the other section, or both sections. 6635

(E) As used in this section: 6636

(1) "Economic harm" means any of the following: 6637

(a) All direct, incidental, and consequential pecuniary 6638
harm suffered by a victim as a result of criminal conduct. 6639
"Economic harm" as described in this division includes, but is 6640
not limited to, all of the following: 6641

(i) All wages, salaries, or other compensation lost as a 6642
result of the criminal conduct; 6643

(ii) The cost of all wages, salaries, or other 6644
compensation paid to employees for time those employees are 6645
prevented from working as a result of the criminal conduct; 6646

(iii) The overhead costs incurred for the time that a 6647
business is shut down as a result of the criminal conduct; 6648

(iv) The loss of value to tangible or intangible property 6649
that was damaged as a result of the criminal conduct. 6650

(b) All costs incurred by the state or any political 6651
subdivision as a result of, or in making any response to, the 6652
criminal conduct that constituted the violation of this section 6653
or section 2917.32 of the Revised Code, including, but not 6654

limited to, all costs so incurred by any law enforcement 6655
officers, firefighters, rescue personnel, or emergency medical 6656
services personnel of the state or the political subdivision. 6657

(2) "School" means any school operated by a board of 6658
education or any school for which the ~~state board~~ director of 6659
education and workforce prescribes minimum standards under 6660
section 3301.07 of the Revised Code, whether or not any 6661
instruction, extracurricular activities, or training provided by 6662
the school is being conducted at the time a violation of this 6663
section is committed. 6664

(3) "Weapon of mass destruction" means any of the 6665
following: 6666

(a) Any weapon that is designed or intended to cause death 6667
or serious physical harm through the release, dissemination, or 6668
impact of toxic or poisonous chemicals, or their precursors; 6669

(b) Any weapon involving a disease organism or biological 6670
agent; 6671

(c) Any weapon that is designed to release radiation or 6672
radioactivity at a level dangerous to human life; 6673

(d) Any of the following, except to the extent that the 6674
item or device in question is expressly excepted from the 6675
definition of "destructive device" pursuant to 18 U.S.C. 921(a) 6676
(4) and regulations issued under that section: 6677

(i) Any explosive, incendiary, or poison gas bomb, 6678
grenade, rocket having a propellant charge of more than four 6679
ounces, missile having an explosive or incendiary charge of more 6680
than one-quarter ounce, mine, or similar device; 6681

(ii) Any combination of parts either designed or intended 6682

for use in converting any item or device into any item or device 6683
described in division (E) (3) (d) (i) of this section and from 6684
which an item or device described in that division may be 6685
readily assembled. 6686

(4) "Biological agent" has the same meaning as in section 6687
2917.33 of the Revised Code. 6688

(5) "Emergency medical services personnel" has the same 6689
meaning as in section 2133.21 of the Revised Code. 6690

(6) "Institution of higher education" means any of the 6691
following: 6692

(a) A state university or college as defined in division 6693
(A) (1) of section 3345.12 of the Revised Code, community 6694
college, state community college, university branch, or 6695
technical college; 6696

(b) A private, nonprofit college, university or other 6697
post-secondary institution located in this state that possesses 6698
a certificate of authorization issued by the ~~Ohio board of~~ 6699
~~regents~~ chancellor of higher education pursuant to Chapter 1713. 6700
of the Revised Code; 6701

(c) A post-secondary institution with a certificate of 6702
registration issued by the state board of career colleges and 6703
schools under Chapter 3332. of the Revised Code. 6704

Sec. 2917.46. (A) No person shall, with intent to identify 6705
a building as a block parent home or building, display the block 6706
parent symbol adopted by the former state board of education 6707
pursuant to former section 3301.076 of the Revised Code prior to 6708
its repeal on July 1, 2007. 6709

(B) No person shall, with intent to identify a building as 6710

a block parent home or building, display a symbol that falsely
gives the appearance of being the block parent symbol adopted by
the former state board of education pursuant to former section
3301.076 of the Revised Code prior to its repeal on July 1,
2007.

(C) No person, with intent to identify a home or building
as a mcgruff house program home or building, shall display the
mcgruff house symbol adopted by the division of criminal justice
services in the state department of public safety pursuant to
section 5502.62 of the Revised Code unless authorized in
accordance with that section, any rule adopted pursuant to that
section, or former section 3313.206 of the Revised Code prior to
its repeal ~~on the effective date of this amendment~~ April 8,
2019.

(D) No person, with intent to identify a home or building
as a mcgruff house program home or building, shall display a
symbol that falsely gives the appearance of being the mcgruff
house symbol adopted by the division of criminal justice
services in the state department of public safety pursuant to
section 5502.62 of the Revised Code or any rule adopted pursuant
to that section.

(E) (1) Whoever violates division (A) or (B) of this
section is guilty of unauthorized use of a block parent symbol,
a minor misdemeanor.

(2) Whoever violates division (C) or (D) of this section
is guilty of unauthorized use of a mcgruff house symbol, a minor
misdemeanor.

Sec. 2923.122. (A) No person shall knowingly convey, or
attempt to convey, a deadly weapon or dangerous ordnance into a

school safety zone. 6740

(B) No person shall knowingly possess a deadly weapon or 6741
dangerous ordnance in a school safety zone. 6742

(C) No person shall knowingly possess an object in a 6743
school safety zone if both of the following apply: 6744

(1) The object is indistinguishable from a firearm, 6745
whether or not the object is capable of being fired. 6746

(2) The person indicates that the person possesses the 6747
object and that it is a firearm, or the person knowingly 6748
displays or brandishes the object and indicates that it is a 6749
firearm. 6750

(D) (1) This section does not apply to any of the 6751
following: 6752

(a) An officer, agent, or employee of this or any other 6753
state or the United States who is authorized to carry deadly 6754
weapons or dangerous ordnance and is acting within the scope of 6755
the officer's, agent's, or employee's duties; 6756

(b) A law enforcement officer who is authorized to carry 6757
deadly weapons or dangerous ordnance; 6758

(c) A security officer employed by a board of education or 6759
governing body of a school during the time that the security 6760
officer is on duty pursuant to that contract of employment; 6761

(d) Any person not described in divisions (D) (1) (a) to (c) 6762
of this section who has written authorization from the board of 6763
education or governing body of a school to convey deadly weapons 6764
or dangerous ordnance into a school safety zone or to possess a 6765
deadly weapon or dangerous ordnance in a school safety zone and 6766
who conveys or possesses the deadly weapon or dangerous ordnance 6767

in accordance with that authorization, provided both of the 6768
following apply: 6769

(i) Either the person has successfully completed the 6770
curriculum, instruction, and training established under section 6771
5502.703 of the Revised Code, or the person has received a 6772
certificate of having satisfactorily completed an approved basic 6773
peace officer training program or is a law enforcement officer; 6774

(ii) The board or governing body has notified the public, 6775
by whatever means the affected school regularly communicates 6776
with the public, that the board or governing body has authorized 6777
one or more persons to go armed within a school operated by the 6778
board or governing authority. 6779

A district board or school governing body that authorizes 6780
a person under division (D)(1)(d) of this section shall require 6781
that person to submit to an annual criminal records check 6782
conducted in the same manner as section 3319.39 or 3319.391 of 6783
the Revised Code. 6784

(e) Any person who is employed in this state, who is 6785
authorized to carry deadly weapons or dangerous ordnance, and 6786
who is subject to and in compliance with the requirements of 6787
section 109.801 of the Revised Code, unless the appointing 6788
authority of the person has expressly specified that the 6789
exemption provided in division (D)(1)(e) of this section does 6790
not apply to the person. 6791

(2) Division (C) of this section does not apply to 6792
premises upon which home schooling is conducted. Division (C) of 6793
this section also does not apply to a school administrator, 6794
teacher, or employee who possesses an object that is 6795
indistinguishable from a firearm for legitimate school purposes 6796

during the course of employment, a student who uses an object 6797
that is indistinguishable from a firearm under the direction of 6798
a school administrator, teacher, or employee, or any other 6799
person who with the express prior approval of a school 6800
administrator possesses an object that is indistinguishable from 6801
a firearm for a legitimate purpose, including the use of the 6802
object in a ceremonial activity, a play, reenactment, or other 6803
dramatic presentation, school safety training, or a ROTC 6804
activity or another similar use of the object. 6805

(3) This section does not apply to a person who conveys or 6806
attempts to convey a handgun into, or possesses a handgun in, a 6807
school safety zone if, at the time of that conveyance, attempted 6808
conveyance, or possession of the handgun, all of the following 6809
apply: 6810

(a) The person does not enter into a school building or 6811
onto school premises and is not at a school activity. 6812

(b) The person has been issued a concealed handgun license 6813
that is valid at the time of the conveyance, attempted 6814
conveyance, or possession or the person is an active duty member 6815
of the armed forces of the United States and is carrying a valid 6816
military identification card and documentation of successful 6817
completion of firearms training that meets or exceeds the 6818
training requirements described in division (G)(1) of section 6819
2923.125 of the Revised Code. 6820

(c) The person is in the school safety zone in accordance 6821
with 18 U.S.C. 922(q)(2)(B). 6822

(d) The person is not knowingly in a place described in 6823
division (B)(1) or (B)(3) to (8) of section 2923.126 of the 6824
Revised Code. 6825

(4) This section does not apply to a person who conveys or
attempts to convey a handgun into, or possesses a handgun in, a
school safety zone if at the time of that conveyance, attempted
conveyance, or possession of the handgun all of the following
apply:

(a) The person has been issued a concealed handgun license
that is valid at the time of the conveyance, attempted
conveyance, or possession or the person is an active duty member
of the armed forces of the United States and is carrying a valid
military identification card and documentation of successful
completion of firearms training that meets or exceeds the
training requirements described in division (G)(1) of section
2923.125 of the Revised Code.

(b) The person leaves the handgun in a motor vehicle.

(c) The handgun does not leave the motor vehicle.

(d) If the person exits the motor vehicle, the person
locks the motor vehicle.

(E)(1) Whoever violates division (A) or (B) of this
section is guilty of illegal conveyance or possession of a
deadly weapon or dangerous ordnance in a school safety zone.
Except as otherwise provided in this division, illegal
conveyance or possession of a deadly weapon or dangerous
ordnance in a school safety zone is a felony of the fifth
degree. If the offender previously has been convicted of a
violation of this section, illegal conveyance or possession of a
deadly weapon or dangerous ordnance in a school safety zone is a
felony of the fourth degree.

(2) Whoever violates division (C) of this section is
guilty of illegal possession of an object indistinguishable from

a firearm in a school safety zone. Except as otherwise provided 6855
in this division, illegal possession of an object 6856
indistinguishable from a firearm in a school safety zone is a 6857
misdemeanor of the first degree. If the offender previously has 6858
been convicted of a violation of this section, illegal 6859
possession of an object indistinguishable from a firearm in a 6860
school safety zone is a felony of the fifth degree. 6861

(F) (1) In addition to any other penalty imposed upon a 6862
person who is convicted of or pleads guilty to a violation of 6863
this section and subject to division (F) (2) of this section, if 6864
the offender has not attained nineteen years of age, regardless 6865
of whether the offender is attending or is enrolled in a school 6866
operated by a board of education or for which the ~~state board~~ 6867
director of education and workforce prescribes minimum standards 6868
under section 3301.07 of the Revised Code, the court shall 6869
impose upon the offender a class four suspension of the 6870
offender's probationary driver's license, restricted license, 6871
driver's license, commercial driver's license, temporary 6872
instruction permit, or probationary commercial driver's license 6873
that then is in effect from the range specified in division (A) 6874
(4) of section 4510.02 of the Revised Code and shall deny the 6875
offender the issuance of any permit or license of that type 6876
during the period of the suspension. 6877

If the offender is not a resident of this state, the court 6878
shall impose a class four suspension of the nonresident 6879
operating privilege of the offender from the range specified in 6880
division (A) (4) of section 4510.02 of the Revised Code. 6881

(2) If the offender shows good cause why the court should 6882
not suspend one of the types of licenses, permits, or privileges 6883
specified in division (F) (1) of this section or deny the 6884

issuance of one of the temporary instruction permits specified 6885
in that division, the court in its discretion may choose not to 6886
impose the suspension, revocation, or denial required in that 6887
division, but the court, in its discretion, instead may require 6888
the offender to perform community service for a number of hours 6889
determined by the court. 6890

(G) As used in this section, "object that is 6891
indistinguishable from a firearm" means an object made, 6892
constructed, or altered so that, to a reasonable person without 6893
specialized training in firearms, the object appears to be a 6894
firearm. 6895

Sec. 2925.01. As used in this chapter: 6896

(A) "Administer," "controlled substance," "controlled 6897
substance analog," "dispense," "distribute," "hypodermic," 6898
"manufacturer," "official written order," "person," 6899
"pharmacist," "pharmacy," "sale," "schedule I," "schedule II," 6900
"schedule III," "schedule IV," "schedule V," and "wholesaler" 6901
have the same meanings as in section 3719.01 of the Revised 6902
Code. 6903

(B) "Drug dependent person" and "drug of abuse" have the 6904
same meanings as in section 3719.011 of the Revised Code. 6905

(C) "Drug," "dangerous drug," "licensed health 6906
professional authorized to prescribe drugs," and "prescription" 6907
have the same meanings as in section 4729.01 of the Revised 6908
Code. 6909

(D) "Bulk amount" of a controlled substance means any of 6910
the following: 6911

(1) For any compound, mixture, preparation, or substance 6912
included in schedule I, schedule II, or schedule III, with the 6913

exception of any controlled substance analog, marihuana, 6914
cocaine, L.S.D., heroin, any fentanyl-related compound, and 6915
hashish and except as provided in division (D) (2), (5), or (6) 6916
of this section, whichever of the following is applicable: 6917

(a) An amount equal to or exceeding ten grams or twenty- 6918
five unit doses of a compound, mixture, preparation, or 6919
substance that is or contains any amount of a schedule I opiate 6920
or opium derivative; 6921

(b) An amount equal to or exceeding ten grams of a 6922
compound, mixture, preparation, or substance that is or contains 6923
any amount of raw or gum opium; 6924

(c) An amount equal to or exceeding thirty grams or ten 6925
unit doses of a compound, mixture, preparation, or substance 6926
that is or contains any amount of a schedule I hallucinogen 6927
other than tetrahydrocannabinol or lysergic acid amide, or a 6928
schedule I stimulant or depressant; 6929

(d) An amount equal to or exceeding twenty grams or five 6930
times the maximum daily dose in the usual dose range specified 6931
in a standard pharmaceutical reference manual of a compound, 6932
mixture, preparation, or substance that is or contains any 6933
amount of a schedule II opiate or opium derivative; 6934

(e) An amount equal to or exceeding five grams or ten unit 6935
doses of a compound, mixture, preparation, or substance that is 6936
or contains any amount of phencyclidine; 6937

(f) An amount equal to or exceeding one hundred twenty 6938
grams or thirty times the maximum daily dose in the usual dose 6939
range specified in a standard pharmaceutical reference manual of 6940
a compound, mixture, preparation, or substance that is or 6941
contains any amount of a schedule II stimulant that is in a 6942

final dosage form manufactured by a person authorized by the 6943
"Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 6944
U.S.C.A. 301, as amended, and the federal drug abuse control 6945
laws, as defined in section 3719.01 of the Revised Code, that is 6946
or contains any amount of a schedule II depressant substance or 6947
a schedule II hallucinogenic substance; 6948

(g) An amount equal to or exceeding three grams of a 6949
compound, mixture, preparation, or substance that is or contains 6950
any amount of a schedule II stimulant, or any of its salts or 6951
isomers, that is not in a final dosage form manufactured by a 6952
person authorized by the Federal Food, Drug, and Cosmetic Act 6953
and the federal drug abuse control laws. 6954

(2) An amount equal to or exceeding one hundred twenty 6955
grams or thirty times the maximum daily dose in the usual dose 6956
range specified in a standard pharmaceutical reference manual of 6957
a compound, mixture, preparation, or substance that is or 6958
contains any amount of a schedule III or IV substance other than 6959
an anabolic steroid or a schedule III opiate or opium 6960
derivative; 6961

(3) An amount equal to or exceeding twenty grams or five 6962
times the maximum daily dose in the usual dose range specified 6963
in a standard pharmaceutical reference manual of a compound, 6964
mixture, preparation, or substance that is or contains any 6965
amount of a schedule III opiate or opium derivative; 6966

(4) An amount equal to or exceeding two hundred fifty 6967
milliliters or two hundred fifty grams of a compound, mixture, 6968
preparation, or substance that is or contains any amount of a 6969
schedule V substance; 6970

(5) An amount equal to or exceeding two hundred solid 6971

dosage units, sixteen grams, or sixteen milliliters of a 6972
compound, mixture, preparation, or substance that is or contains 6973
any amount of a schedule III anabolic steroid; 6974

(6) For any compound, mixture, preparation, or substance 6975
that is a combination of a fentanyl-related compound and any 6976
other compound, mixture, preparation, or substance included in 6977
schedule III, schedule IV, or schedule V, if the defendant is 6978
charged with a violation of section 2925.11 of the Revised Code 6979
and the sentencing provisions set forth in divisions (C) (10) (b) 6980
and (C) (11) of that section will not apply regarding the 6981
defendant and the violation, the bulk amount of the controlled 6982
substance for purposes of the violation is the amount specified 6983
in division (D) (1), (2), (3), (4), or (5) of this section for 6984
the other schedule III, IV, or V controlled substance that is 6985
combined with the fentanyl-related compound. 6986

(E) "Unit dose" means an amount or unit of a compound, 6987
mixture, or preparation containing a controlled substance that 6988
is separately identifiable and in a form that indicates that it 6989
is the amount or unit by which the controlled substance is 6990
separately administered to or taken by an individual. 6991

(F) "Cultivate" includes planting, watering, fertilizing, 6992
or tilling. 6993

(G) "Drug abuse offense" means any of the following: 6994

(1) A violation of division (A) of section 2913.02 that 6995
constitutes theft of drugs, or a violation of section 2925.02, 6996
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 6997
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, 6998
or 2925.37 of the Revised Code; 6999

(2) A violation of an existing or former law of this or 7000

any other state or of the United States that is substantially 7001
equivalent to any section listed in division (G) (1) of this 7002
section; 7003

(3) An offense under an existing or former law of this or 7004
any other state, or of the United States, of which planting, 7005
cultivating, harvesting, processing, making, manufacturing, 7006
producing, shipping, transporting, delivering, acquiring, 7007
possessing, storing, distributing, dispensing, selling, inducing 7008
another to use, administering to another, using, or otherwise 7009
dealing with a controlled substance is an element; 7010

(4) A conspiracy to commit, attempt to commit, or 7011
complicity in committing or attempting to commit any offense 7012
under division (G) (1), (2), or (3) of this section. 7013

(H) "Felony drug abuse offense" means any drug abuse 7014
offense that would constitute a felony under the laws of this 7015
state, any other state, or the United States. 7016

(I) "Harmful intoxicant" does not include beer or 7017
intoxicating liquor but means any of the following: 7018

(1) Any compound, mixture, preparation, or substance the 7019
gas, fumes, or vapor of which when inhaled can induce 7020
intoxication, excitement, giddiness, irrational behavior, 7021
depression, stupefaction, paralysis, unconsciousness, 7022
asphyxiation, or other harmful physiological effects, and 7023
includes, but is not limited to, any of the following: 7024

(a) Any volatile organic solvent, plastic cement, model 7025
cement, fingernail polish remover, lacquer thinner, cleaning 7026
fluid, gasoline, or other preparation containing a volatile 7027
organic solvent; 7028

(b) Any aerosol propellant; 7029

(c) Any fluorocarbon refrigerant;	7030
(d) Any anesthetic gas.	7031
(2) Gamma Butyrolactone;	7032
(3) 1,4 Butanediol.	7033
(J) "Manufacture" means to plant, cultivate, harvest,	7034
process, make, prepare, or otherwise engage in any part of the	7035
production of a drug, by propagation, extraction, chemical	7036
synthesis, or compounding, or any combination of the same, and	7037
includes packaging, repackaging, labeling, and other activities	7038
incident to production.	7039
(K) "Possess" or "possession" means having control over a	7040
thing or substance, but may not be inferred solely from mere	7041
access to the thing or substance through ownership or occupation	7042
of the premises upon which the thing or substance is found.	7043
(L) "Sample drug" means a drug or pharmaceutical	7044
preparation that would be hazardous to health or safety if used	7045
without the supervision of a licensed health professional	7046
authorized to prescribe drugs, or a drug of abuse, and that, at	7047
one time, had been placed in a container plainly marked as a	7048
sample by a manufacturer.	7049
(M) "Standard pharmaceutical reference manual" means the	7050
current edition, with cumulative changes if any, of references	7051
that are approved by the state board of pharmacy.	7052
(N) "Juvenile" means a person under eighteen years of age.	7053
(O) "Counterfeit controlled substance" means any of the	7054
following:	7055
(1) Any drug that bears, or whose container or label	7056

bears, a trademark, trade name, or other identifying mark used 7057
without authorization of the owner of rights to that trademark, 7058
trade name, or identifying mark; 7059

(2) Any unmarked or unlabeled substance that is 7060
represented to be a controlled substance manufactured, 7061
processed, packed, or distributed by a person other than the 7062
person that manufactured, processed, packed, or distributed it; 7063

(3) Any substance that is represented to be a controlled 7064
substance but is not a controlled substance or is a different 7065
controlled substance; 7066

(4) Any substance other than a controlled substance that a 7067
reasonable person would believe to be a controlled substance 7068
because of its similarity in shape, size, and color, or its 7069
markings, labeling, packaging, distribution, or the price for 7070
which it is sold or offered for sale. 7071

(P) An offense is "committed in the vicinity of a school" 7072
if the offender commits the offense on school premises, in a 7073
school building, or within one thousand feet of the boundaries 7074
of any school premises, regardless of whether the offender knows 7075
the offense is being committed on school premises, in a school 7076
building, or within one thousand feet of the boundaries of any 7077
school premises. 7078

(Q) "School" means any school operated by a board of 7079
education, any community school established under Chapter 3314. 7080
of the Revised Code, or any nonpublic school for which the ~~state-~~ 7081
~~board-director~~ of education and workforce prescribes minimum 7082
standards under section 3301.07 of the Revised Code, whether or 7083
not any instruction, extracurricular activities, or training 7084
provided by the school is being conducted at the time a criminal 7085

offense is committed. 7086

(R) "School premises" means either of the following: 7087

(1) The parcel of real property on which any school is 7088
situated, whether or not any instruction, extracurricular 7089
activities, or training provided by the school is being 7090
conducted on the premises at the time a criminal offense is 7091
committed; 7092

(2) Any other parcel of real property that is owned or 7093
leased by a board of education of a school, the governing 7094
authority of a community school established under Chapter 3314. 7095
of the Revised Code, or the governing body of a nonpublic school 7096
for which the ~~state board~~ director of education and workforce 7097
prescribes minimum standards under section 3301.07 of the 7098
Revised Code and on which some of the instruction, 7099
extracurricular activities, or training of the school is 7100
conducted, whether or not any instruction, extracurricular 7101
activities, or training provided by the school is being 7102
conducted on the parcel of real property at the time a criminal 7103
offense is committed. 7104

(S) "School building" means any building in which any of 7105
the instruction, extracurricular activities, or training 7106
provided by a school is conducted, whether or not any 7107
instruction, extracurricular activities, or training provided by 7108
the school is being conducted in the school building at the time 7109
a criminal offense is committed. 7110

(T) "Disciplinary counsel" means the disciplinary counsel 7111
appointed by the board of commissioners on grievances and 7112
discipline of the supreme court under the Rules for the 7113
Government of the Bar of Ohio. 7114

(U) "Certified grievance committee" means a duly 7115
constituted and organized committee of the Ohio state bar 7116
association or of one or more local bar associations of the 7117
state of Ohio that complies with the criteria set forth in Rule 7118
V, section 6 of the Rules for the Government of the Bar of Ohio. 7119

(V) "Professional license" means any license, permit, 7120
certificate, registration, qualification, admission, temporary 7121
license, temporary permit, temporary certificate, or temporary 7122
registration that is described in divisions (W) (1) to (37) of 7123
this section and that qualifies a person as a professionally 7124
licensed person. 7125

(W) "Professionally licensed person" means any of the 7126
following: 7127

(1) A person who has received a certificate or temporary 7128
certificate as a certified public accountant or who has 7129
registered as a public accountant under Chapter 4701. of the 7130
Revised Code and who holds an Ohio permit issued under that 7131
chapter; 7132

(2) A person who holds a certificate of qualification to 7133
practice architecture issued or renewed and registered under 7134
Chapter 4703. of the Revised Code; 7135

(3) A person who is registered as a landscape architect 7136
under Chapter 4703. of the Revised Code or who holds a permit as 7137
a landscape architect issued under that chapter; 7138

(4) A person licensed under Chapter 4707. of the Revised 7139
Code; 7140

(5) A person who has been issued a certificate of 7141
registration as a registered barber under Chapter 4709. of the 7142
Revised Code; 7143

- (6) A person licensed and regulated to engage in the 7144
business of a debt pooling company by a legislative authority, 7145
under authority of Chapter 4710. of the Revised Code; 7146
- (7) A person who has been issued a cosmetologist's 7147
license, hair designer's license, manicurist's license, 7148
esthetician's license, natural hair stylist's license, advanced 7149
cosmetologist's license, advanced hair designer's license, 7150
advanced manicurist's license, advanced esthetician's license, 7151
advanced natural hair stylist's license, cosmetology 7152
instructor's license, hair design instructor's license, 7153
manicurist instructor's license, esthetics instructor's license, 7154
natural hair style instructor's license, independent 7155
contractor's license, or tanning facility permit under Chapter 7156
4713. of the Revised Code; 7157
- (8) A person who has been issued a license to practice 7158
dentistry, a general anesthesia permit, a conscious sedation 7159
permit, a limited resident's license, a limited teaching 7160
license, a dental hygienist's license, or a dental hygienist's 7161
teacher's certificate under Chapter 4715. of the Revised Code; 7162
- (9) A person who has been issued an embalmer's license, a 7163
funeral director's license, a funeral home license, or a 7164
crematory license, or who has been registered for an embalmer's 7165
or funeral director's apprenticeship under Chapter 4717. of the 7166
Revised Code; 7167
- (10) A person who has been licensed as a registered nurse 7168
or practical nurse, or who has been issued a certificate for the 7169
practice of nurse-midwifery under Chapter 4723. of the Revised 7170
Code; 7171
- (11) A person who has been licensed to practice optometry 7172

or to engage in optical dispensing under Chapter 4725. of the Revised Code;	7173 7174
(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code;	7175 7176
(13) A person licensed to act as a precious metals dealer under Chapter 4728. of the Revised Code;	7177 7178
(14) A person licensed under Chapter 4729. of the Revised Code as a pharmacist or pharmacy intern or registered under that chapter as a registered pharmacy technician, certified pharmacy technician, or pharmacy technician trainee;	7179 7180 7181 7182
(15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;	7183 7184 7185 7186 7187
(16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;	7188 7189
(17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter;	7190 7191 7192 7193 7194
(18) A person licensed as a psychologist or school psychologist under Chapter 4732. of the Revised Code;	7195 7196
(19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;	7197 7198 7199
(20) A person who has been issued a license to practice	7200

chiropractic under Chapter 4734. of the Revised Code;	7201
(21) A person licensed to act as a real estate broker or	7202
real estate salesperson under Chapter 4735. of the Revised Code;	7203
(22) A person registered as a registered environmental	7204
health specialist under Chapter 4736. of the Revised Code;	7205
(23) A person licensed to operate or maintain a junkyard	7206
under Chapter 4737. of the Revised Code;	7207
(24) A person who has been issued a motor vehicle salvage	7208
dealer's license under Chapter 4738. of the Revised Code;	7209
(25) A person who has been licensed to act as a steam	7210
engineer under Chapter 4739. of the Revised Code;	7211
(26) A person who has been issued a license or temporary	7212
permit to practice veterinary medicine or any of its branches,	7213
or who is registered as a graduate animal technician under	7214
Chapter 4741. of the Revised Code;	7215
(27) A person who has been issued a hearing aid dealer's	7216
or fitter's license or trainee permit under Chapter 4747. of the	7217
Revised Code;	7218
(28) A person who has been issued a class A, class B, or	7219
class C license or who has been registered as an investigator or	7220
security guard employee under Chapter 4749. of the Revised Code;	7221
(29) A person licensed to practice as a nursing home	7222
administrator under Chapter 4751. of the Revised Code;	7223
(30) A person licensed to practice as a speech-language	7224
pathologist or audiologist under Chapter 4753. of the Revised	7225
Code;	7226
(31) A person issued a license as an occupational	7227

therapist or physical therapist under Chapter 4755. of the Revised Code;	7228 7229
(32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code;	7230 7231 7232 7233 7234 7235
(33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;	7236 7237
(34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;	7238 7239 7240
(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;	7241 7242
(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code;	7243 7244
(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules.	7245 7246 7247
(X) "Cocaine" means any of the following:	7248
(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine;	7249 7250
(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine;	7251 7252 7253 7254

(3) A salt, compound, derivative, or preparation of a substance identified in division (X) (1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine.

(Y) "L.S.D." means lysergic acid diethylamide.

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply:

(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form.

(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent.

"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the following:

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.

(II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine.

(JJ) "Deception" has the same meaning as in section

2913.01 of the Revised Code.	7312
(KK) "Fentanyl-related compound" means any of the following:	7313
	7314
(1) Fentanyl;	7315
(2) Alpha-methylfentanyl (N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide; 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);	7316
	7317
	7318
(3) Alpha-methylthiofentanyl (N-[1-methyl-2-(2-thienyl)ethyl-4- piperidinyl]-N-phenylpropanamide);	7319
	7320
(4) Beta-hydroxyfentanyl (N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);	7321
	7322
(5) Beta-hydroxy-3-methylfentanyl (other name: N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);	7323
	7324
	7325
(6) 3-methylfentanyl (N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);	7326
	7327
(7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4- piperidinyl]-N-phenylpropanamide);	7328
	7329
(8) Para-fluorofentanyl (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide;	7330
	7331
(9) Thiofentanyl (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;	7332
	7333
(10) Alfentanil;	7334
(11) Carfentanil;	7335
(12) Remifentanil;	7336
(13) Sufentanil;	7337

- (14) Acetyl-alpha-methylfentanyl (N-[1-(1-methyl-2-phenethyl)-4-piperidinyl]-N-phenylacetamide); and 7338
7339
- (15) Any compound that meets all of the following fentanyl 7340
pharmacophore requirements to bind at the mu receptor, as 7341
identified by a report from an established forensic laboratory, 7342
including acetylfentanyl, furanylfentanyl, valerylfentanyl, 7343
butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl, 7344
para-fluorobutyrylfentanyl, acrylfentanyl, and ortho- 7345
fluorofentanyl: 7346
- (a) A chemical scaffold consisting of both of the 7347
following: 7348
- (i) A five, six, or seven member ring structure containing 7349
a nitrogen, whether or not further substituted; 7350
- (ii) An attached nitrogen to the ring, whether or not that 7351
nitrogen is enclosed in a ring structure, including an attached 7352
aromatic ring or other lipophilic group to that nitrogen. 7353
- (b) A polar functional group attached to the chemical 7354
scaffold, including but not limited to a hydroxyl, ketone, 7355
amide, or ester; 7356
- (c) An alkyl or aryl substitution off the ring nitrogen of 7357
the chemical scaffold; and 7358
- (d) The compound has not been approved for medical use by 7359
the United States food and drug administration. 7360
- (LL) "First degree felony mandatory prison term" means one 7361
of the definite prison terms prescribed in division (A) (1) (b) of 7362
section 2929.14 of the Revised Code for a felony of the first 7363
degree, except that if the violation for which sentence is being 7364
imposed is committed on or after March 22, 2019, it means one of 7365

the minimum prison terms prescribed in division (A) (1) (a) of 7366
that section for a felony of the first degree. 7367

(MM) "Second degree felony mandatory prison term" means 7368
one of the definite prison terms prescribed in division (A) (2) 7369
(b) of section 2929.14 of the Revised Code for a felony of the 7370
second degree, except that if the violation for which sentence 7371
is being imposed is committed on or after March 22, 2019, it 7372
means one of the minimum prison terms prescribed in division (A) 7373
(2) (a) of that section for a felony of the second degree. 7374

(NN) "Maximum first degree felony mandatory prison term" 7375
means the maximum definite prison term prescribed in division 7376
(A) (1) (b) of section 2929.14 of the Revised Code for a felony of 7377
the first degree, except that if the violation for which 7378
sentence is being imposed is committed on or after March 22, 7379
2019, it means the longest minimum prison term prescribed in 7380
division (A) (1) (a) of that section for a felony of the first 7381
degree. 7382

(OO) "Maximum second degree felony mandatory prison term" 7383
means the maximum definite prison term prescribed in division 7384
(A) (2) (b) of section 2929.14 of the Revised Code for a felony of 7385
the second degree, except that if the violation for which 7386
sentence is being imposed is committed on or after March 22, 7387
2019, it means the longest minimum prison term prescribed in 7388
division (A) (2) (a) of that section for a felony of the second 7389
degree. 7390

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning 7391
as in section 928.01 of the Revised Code. 7392

(QQ) An offense is "committed in the vicinity of a 7393
substance addiction services provider or a recovering addict" if 7394

either of the following apply: 7395

(1) The offender commits the offense on the premises of a 7396
substance addiction services provider's facility, including a 7397
facility licensed prior to June 29, 2019, under section 5119.391 7398
of the Revised Code to provide methadone treatment or an opioid 7399
treatment program licensed on or after that date under section 7400
5119.37 of the Revised Code, or within five hundred feet of the 7401
premises of a substance addiction services provider's facility 7402
and the offender knows or should know that the offense is being 7403
committed within the vicinity of the substance addiction 7404
services provider's facility. 7405

(2) The offender sells, offers to sell, delivers, or 7406
distributes the controlled substance or controlled substance 7407
analog to a person who is receiving treatment at the time of the 7408
commission of the offense, or received treatment within thirty 7409
days prior to the commission of the offense, from a substance 7410
addiction services provider and the offender knows that the 7411
person is receiving or received that treatment. 7412

(RR) "Substance addiction services provider" means an 7413
agency, association, corporation or other legal entity, 7414
individual, or program that provides one or more of the 7415
following at a facility: 7416

(1) Either alcohol addiction services, or drug addiction 7417
services, or both such services that are certified by the 7418
director of mental health and addiction services under section 7419
5119.36 of the Revised Code; 7420

(2) Recovery supports that are related to either alcohol 7421
addiction services, or drug addiction services, or both such 7422
services and paid for with federal, state, or local funds 7423

administered by the department of mental health and addiction 7424
services or a board of alcohol, drug addiction, and mental 7425
health services. 7426

(SS) "Premises of a substance addiction services 7427
provider's facility" means the parcel of real property on which 7428
any substance addiction service provider's facility is situated. 7429

(TT) "Alcohol and drug addiction services" has the same 7430
meaning as in section 5119.01 of the Revised Code. 7431

Sec. 2950.11. (A) Regardless of when the sexually oriented 7432
offense or child-victim oriented offense was committed, if a 7433
person is convicted of, pleads guilty to, has been convicted of, 7434
or has pleaded guilty to a sexually oriented offense or a child- 7435
victim oriented offense or a person is or has been adjudicated a 7436
delinquent child for committing a sexually oriented offense or a 7437
child-victim oriented offense and is classified a juvenile 7438
offender registrant or is an out-of-state juvenile offender 7439
registrant based on that adjudication, and if the offender or 7440
delinquent child is in any category specified in division (F) (1) 7441
(a), (b), or (c) of this section, the sheriff with whom the 7442
offender or delinquent child has most recently registered under 7443
section 2950.04, 2950.041, or 2950.05 of the Revised Code and 7444
the sheriff to whom the offender or delinquent child most 7445
recently sent a notice of intent to reside under section 2950.04 7446
or 2950.041 of the Revised Code, within the period of time 7447
specified in division (C) of this section, shall provide a 7448
written notice containing the information set forth in division 7449
(B) of this section to all of the persons described in divisions 7450
(A) (1) to (10) of this section. If the sheriff has sent a notice 7451
to the persons described in those divisions as a result of 7452
receiving a notice of intent to reside and if the offender or 7453

delinquent child registers a residence address that is the same 7454
residence address described in the notice of intent to reside, 7455
the sheriff is not required to send an additional notice when 7456
the offender or delinquent child registers. The sheriff shall 7457
provide the notice to all of the following persons: 7458

(1) (a) Any occupant of each residential unit that is 7459
located within one thousand feet of the offender's or delinquent 7460
child's residential premises, that is located within the county 7461
served by the sheriff, and that is not located in a multi-unit 7462
building. Division (D) (3) of this section applies regarding 7463
notices required under this division. 7464

(b) If the offender or delinquent child resides in a 7465
multi-unit building, any occupant of each residential unit that 7466
is located in that multi-unit building and that shares a common 7467
hallway with the offender or delinquent child. For purposes of 7468
this division, an occupant's unit shares a common hallway with 7469
the offender or delinquent child if the entrance door into the 7470
occupant's unit is located on the same floor and opens into the 7471
same hallway as the entrance door to the unit the offender or 7472
delinquent child occupies. Division (D) (3) of this section 7473
applies regarding notices required under this division. 7474

(c) The building manager, or the person the building owner 7475
or condominium unit owners association authorizes to exercise 7476
management and control, of each multi-unit building that is 7477
located within one thousand feet of the offender's or delinquent 7478
child's residential premises, including a multi-unit building in 7479
which the offender or delinquent child resides, and that is 7480
located within the county served by the sheriff. In addition to 7481
notifying the building manager or the person authorized to 7482
exercise management and control in the multi-unit building under 7483

this division, the sheriff shall post a copy of the notice 7484
prominently in each common entryway in the building and any 7485
other location in the building the sheriff determines 7486
appropriate. The manager or person exercising management and 7487
control of the building shall permit the sheriff to post copies 7488
of the notice under this division as the sheriff determines 7489
appropriate. In lieu of posting copies of the notice as 7490
described in this division, a sheriff may provide notice to all 7491
occupants of the multi-unit building by mail or personal 7492
contact; if the sheriff so notifies all the occupants, the 7493
sheriff is not required to post copies of the notice in the 7494
common entryways to the building. Division (D) (3) of this 7495
section applies regarding notices required under this division. 7496

(d) All additional persons who are within any category of 7497
neighbors of the offender or delinquent child that the attorney 7498
general by rule adopted under section 2950.13 of the Revised 7499
Code requires to be provided the notice and who reside within 7500
the county served by the sheriff; 7501

(2) The executive director of the public children services 7502
agency that has jurisdiction within the specified geographical 7503
notification area and that is located within the county served 7504
by the sheriff; 7505

(3) (a) The superintendent of each board of education of a 7506
school district that has schools within the specified 7507
geographical notification area and that is located within the 7508
county served by the sheriff; 7509

(b) The principal of the school within the specified 7510
geographical notification area and within the county served by 7511
the sheriff that the delinquent child attends; 7512

(c) If the delinquent child attends a school outside of 7513
the specified geographical notification area or outside of the 7514
school district where the delinquent child resides, the 7515
superintendent of the board of education of a school district 7516
that governs the school that the delinquent child attends and 7517
the principal of the school that the delinquent child attends. 7518

(4) (a) The appointing or hiring officer of each chartered 7519
nonpublic school located within the specified geographical 7520
notification area and within the county served by the sheriff or 7521
of each other school located within the specified geographical 7522
notification area and within the county served by the sheriff 7523
and that is not operated by a board of education described in 7524
division (A) (3) of this section; 7525

(b) Regardless of the location of the school, the 7526
appointing or hiring officer of a chartered nonpublic school 7527
that the delinquent child attends. 7528

(5) The director, head teacher, elementary principal, or 7529
site administrator of each preschool program governed by Chapter 7530
3301. of the Revised Code that is located within the specified 7531
geographical notification area and within the county served by 7532
the sheriff; 7533

(6) The administrator of each child day-care center or 7534
type A family day-care home that is located within the specified 7535
geographical notification area and within the county served by 7536
the sheriff, and each holder of a license to operate a type B 7537
family day-care home that is located within the specified 7538
geographical notification area and within the county served by 7539
the sheriff. As used in this division, "child day-care center," 7540
"type A family day-care home," and "type B family day-care home" 7541
have the same meanings as in section 5104.01 of the Revised 7542

Code. 7543

(7) The president or other chief administrative officer of 7544
each institution of higher education, as defined in section 7545
2907.03 of the Revised Code, that is located within the 7546
specified geographical notification area and within the county 7547
served by the sheriff, and the chief law enforcement officer of 7548
the state university law enforcement agency or campus police 7549
department established under section 3345.04 or 1713.50 of the 7550
Revised Code, if any, that serves that institution; 7551

(8) The sheriff of each county that includes any portion 7552
of the specified geographical notification area; 7553

(9) If the offender or delinquent child resides within the 7554
county served by the sheriff, the chief of police, marshal, or 7555
other chief law enforcement officer of the municipal corporation 7556
in which the offender or delinquent child resides or, if the 7557
offender or delinquent child resides in an unincorporated area, 7558
the constable or chief of the police department or police 7559
district police force of the township in which the offender or 7560
delinquent child resides; 7561

(10) Volunteer organizations in which contact with minors 7562
or other vulnerable individuals might occur or any organization, 7563
company, or individual who requests notification as provided in 7564
division (J) of this section. 7565

(B) The notice required under division (A) of this section 7566
shall include all of the following information regarding the 7567
subject offender or delinquent child: 7568

(1) The offender's or delinquent child's name; 7569

(2) The address or addresses of the offender's or public 7570
registry-qualified juvenile offender registrant's residence, 7571

school, institution of higher education, or place of employment, 7572
as applicable, or the residence address or addresses of a 7573
delinquent child who is not a public registry-qualified juvenile 7574
offender registrant; 7575

(3) The sexually oriented offense or child-victim oriented 7576
offense of which the offender was convicted, to which the 7577
offender pleaded guilty, or for which the child was adjudicated 7578
a delinquent child; 7579

(4) A statement that identifies the category specified in 7580
division (F)(1)(a), (b), or (c) of this section that includes 7581
the offender or delinquent child and that subjects the offender 7582
or delinquent child to this section; 7583

(5) The offender's or delinquent child's photograph. 7584

(C) If a sheriff with whom an offender or delinquent child 7585
registers under section 2950.04, 2950.041, or 2950.05 of the 7586
Revised Code or to whom the offender or delinquent child most 7587
recently sent a notice of intent to reside under section 2950.04 7588
or 2950.041 of the Revised Code is required by division (A) of 7589
this section to provide notices regarding an offender or 7590
delinquent child and if, pursuant to that requirement, the 7591
sheriff provides a notice to a sheriff of one or more other 7592
counties in accordance with division (A)(8) of this section, the 7593
sheriff of each of the other counties who is provided notice 7594
under division (A)(8) of this section shall provide the notices 7595
described in divisions (A)(1) to (7) and (A)(9) and (10) of this 7596
section to each person or entity identified within those 7597
divisions that is located within the specified geographical 7598
notification area and within the county served by the sheriff in 7599
question. 7600

(D) (1) A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notice to the neighbors that are described in division (A) (1) of this section and the notices to law enforcement personnel that are described in divisions (A) (8) and (9) of this section as soon as practicable, but no later than five days after the offender sends the notice of intent to reside to the sheriff and again no later than five days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A) (8) of this section.

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A) (2) to (7) and (A) (10) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A) (8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A) (1) to (10) of this section.

If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A) (8) of this section, the sheriff of each of the other counties who is provided the notice under division (A) (8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A) (1) to (7) and (A) (9) and (10) of this section.

(3) A sheriff may provide notice under division (A) (1) (a) or (b) of this section, and may provide notice under division (A) (1) (c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of divisions (A) (1) (a) and (b) of this section, and the portion of division (A) (1) (c) of this section relating to the provision of notice to occupants of a multi-unit building by mail or personal contact, the provision of one written notice per unit is deemed as providing notice to all occupants of that unit.

(E) All information that a sheriff possesses regarding an offender or delinquent child who is in a category specified in division (F) (1) (a), (b), or (c) of this section that is described in division (B) of this section and that must be provided in a notice required under division (A) or (C) of this section or that may be provided in a notice authorized under division (D) (2) of this section is a public record that is open to inspection under section 149.43 of the Revised Code.

The sheriff shall not cause to be publicly disseminated by means of the internet any of the information described in this division that is provided by a delinquent child unless that

child is in a category specified in division (F) (1) (a), (b), or 7662
(c) of this section. 7663

(F) (1) Except as provided in division (F) (2) of this 7664
section, the duties to provide the notices described in 7665
divisions (A) and (C) of this section apply regarding any 7666
offender or delinquent child who is in any of the following 7667
categories: 7668

(a) The offender is a tier III sex offender/child-victim 7669
offender, or the delinquent child is a public registry-qualified 7670
juvenile offender registrant, and a juvenile court has not 7671
removed pursuant to section 2950.15 of the Revised Code the 7672
delinquent child's duty to comply with sections 2950.04, 7673
2950.041, 2950.05, and 2950.06 of the Revised Code. 7674

(b) The delinquent child is a tier III sex offender/child- 7675
victim offender who is not a public registry-qualified juvenile 7676
offender registrant, the delinquent child was subjected to this 7677
section prior to January 1, 2008, as a sexual predator, habitual 7678
sex offender, child-victim predator, or habitual child-victim 7679
offender, as those terms were defined in section 2950.01 of the 7680
Revised Code as it existed prior to January 1, 2008, and a 7681
juvenile court has not removed pursuant to section 2152.84 or 7682
2152.85 of the Revised Code the delinquent child's duty to 7683
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 7684
the Revised Code. 7685

(c) The delinquent child is a tier III sex offender/child- 7686
victim offender who is not a public registry-qualified juvenile 7687
offender registrant, the delinquent child was classified a 7688
juvenile offender registrant on or after January 1, 2008, the 7689
court has imposed a requirement under section 2152.82, 2152.83, 7690
or 2152.84 of the Revised Code subjecting the delinquent child 7691

to this section, and a juvenile court has not removed pursuant 7692
to section 2152.84 or 2152.85 of the Revised Code the delinquent 7693
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 7694
and 2950.06 of the Revised Code. 7695

(2) The notification provisions of this section do not 7696
apply to a person described in division (F) (1) (a), (b), or (c) 7697
of this section if a court finds at a hearing after considering 7698
the factors described in this division that the person would not 7699
be subject to the notification provisions of this section that 7700
were in the version of this section that existed immediately 7701
prior to January 1, 2008. In making the determination of whether 7702
a person would have been subject to the notification provisions 7703
under prior law as described in this division, the court shall 7704
consider the following factors: 7705

(a) The offender's or delinquent child's age; 7706

(b) The offender's or delinquent child's prior criminal or 7707
delinquency record regarding all offenses, including, but not 7708
limited to, all sexual offenses; 7709

(c) The age of the victim of the sexually oriented offense 7710
for which sentence is to be imposed or the order of disposition 7711
is to be made; 7712

(d) Whether the sexually oriented offense for which 7713
sentence is to be imposed or the order of disposition is to be 7714
made involved multiple victims; 7715

(e) Whether the offender or delinquent child used drugs or 7716
alcohol to impair the victim of the sexually oriented offense or 7717
to prevent the victim from resisting; 7718

(f) If the offender or delinquent child previously has 7719
been convicted of or pleaded guilty to, or been adjudicated a 7720

delinquent child for committing an act that if committed by an 7721
adult would be, a criminal offense, whether the offender or 7722
delinquent child completed any sentence or dispositional order 7723
imposed for the prior offense or act and, if the prior offense 7724
or act was a sex offense or a sexually oriented offense, whether 7725
the offender or delinquent child participated in available 7726
programs for sexual offenders; 7727

(g) Any mental illness or mental disability of the 7728
offender or delinquent child; 7729

(h) The nature of the offender's or delinquent child's 7730
sexual conduct, sexual contact, or interaction in a sexual 7731
context with the victim of the sexually oriented offense and 7732
whether the sexual conduct, sexual contact, or interaction in a 7733
sexual context was part of a demonstrated pattern of abuse; 7734

(i) Whether the offender or delinquent child, during the 7735
commission of the sexually oriented offense for which sentence 7736
is to be imposed or the order of disposition is to be made, 7737
displayed cruelty or made one or more threats of cruelty; 7738

(j) Whether the offender or delinquent child would have 7739
been a habitual sex offender or a habitual child victim offender 7740
under the definitions of those terms set forth in section 7741
2950.01 of the Revised Code as that section existed prior to 7742
January 1, 2008; 7743

(k) Any additional behavioral characteristics that 7744
contribute to the offender's or delinquent child's conduct. 7745

(G) (1) The department of job and family services shall 7746
compile, maintain, and update in January and July of each year, 7747
a list of all agencies, centers, or homes of a type described in 7748
division (A) (2) or (6) of this section that contains the name of 7749

each agency, center, or home of that type, the county in which 7750
it is located, its address and telephone number, and the name of 7751
an administrative officer or employee of the agency, center, or 7752
home. 7753

(2) The department of education and workforce shall 7754
compile, maintain, and update in January and July of each year, 7755
a list of all boards of education, schools, or programs of a 7756
type described in division (A) (3), (4), or (5) of this section 7757
that contains the name of each board of education, school, or 7758
program of that type, the county in which it is located, its 7759
address and telephone number, the name of the superintendent of 7760
the board or of an administrative officer or employee of the 7761
school or program, and, in relation to a board of education, the 7762
county or counties in which each of its schools is located and 7763
the address of each such school. 7764

(3) The ~~Ohio board of regents~~ chancellor of higher 7765
education shall compile, maintain, and update in January and 7766
July of each year, a list of all institutions of a type 7767
described in division (A) (7) of this section that contains the 7768
name of each such institution, the county in which it is 7769
located, its address and telephone number, and the name of its 7770
president or other chief administrative officer. 7771

(4) A sheriff required by division (A) or (C) of this 7772
section, or authorized by division (D) (2) of this section, to 7773
provide notices regarding an offender or delinquent child, or a 7774
designee of a sheriff of that type, may request the department 7775
of job and family services, department of education, ~~or Ohio~~ 7776
~~board of regents~~ and workforce, or chancellor by telephone, in 7777
person, or by mail, to provide the sheriff or designee with the 7778
names, addresses, and telephone numbers of the appropriate 7779

persons and entities to whom the notices described in divisions 7780
(A) (2) to (7) of this section are to be provided. Upon receipt 7781
of a request, the department ~~or board~~ shall provide the 7782
requesting sheriff or designee with the names, addresses, and 7783
telephone numbers of the appropriate persons and entities to 7784
whom those notices are to be provided. 7785

(H) (1) Upon the motion of the offender or the prosecuting 7786
attorney of the county in which the offender was convicted of or 7787
pleaded guilty to the sexually oriented offense or child-victim 7788
oriented offense for which the offender is subject to community 7789
notification under this section, or upon the motion of the 7790
sentencing judge or that judge's successor in office, the judge 7791
may schedule a hearing to determine whether the interests of 7792
justice would be served by suspending the community notification 7793
requirement under this section in relation to the offender. The 7794
judge may dismiss the motion without a hearing but may not issue 7795
an order suspending the community notification requirement 7796
without a hearing. At the hearing, all parties are entitled to 7797
be heard, and the judge shall consider all of the factors set 7798
forth in division (K) of this section. If, at the conclusion of 7799
the hearing, the judge finds that the offender has proven by 7800
clear and convincing evidence that the offender is unlikely to 7801
commit in the future a sexually oriented offense or a child- 7802
victim oriented offense and if the judge finds that suspending 7803
the community notification requirement is in the interests of 7804
justice, the judge may suspend the application of this section 7805
in relation to the offender. The order shall contain both of 7806
these findings. 7807

The judge promptly shall serve a copy of the order upon 7808
the sheriff with whom the offender most recently registered 7809
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 7810

and upon the bureau of criminal identification and 7811
investigation. 7812

An order suspending the community notification requirement 7813
does not suspend or otherwise alter an offender's duties to 7814
comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 7815
the Revised Code and does not suspend the victim notification 7816
requirement under section 2950.10 of the Revised Code. 7817

(2) A prosecuting attorney, a sentencing judge or that 7818
judge's successor in office, and an offender who is subject to 7819
the community notification requirement under this section may 7820
initially make a motion under division (H)(1) of this section 7821
upon the expiration of twenty years after the offender's duty to 7822
comply with division (A)(2), (3), or (4) of section 2950.04, 7823
division (A)(2), (3), or (4) of section 2950.041 and sections 7824
2950.05 and 2950.06 of the Revised Code begins in relation to 7825
the offense for which the offender is subject to community 7826
notification. After the initial making of a motion under 7827
division (H)(1) of this section, thereafter, the prosecutor, 7828
judge, and offender may make a subsequent motion under that 7829
division upon the expiration of five years after the judge has 7830
entered an order denying the initial motion or the most recent 7831
motion made under that division. 7832

(3) The offender and the prosecuting attorney have the 7833
right to appeal an order approving or denying a motion made 7834
under division (H)(1) of this section. 7835

(4) Divisions (H)(1) to (3) of this section do not apply 7836
to any of the following types of offender: 7837

(a) A person who is convicted of or pleads guilty to a 7838
violent sex offense or designated homicide, assault, or 7839

kidnapping offense and who, in relation to that offense, is 7840
adjudicated a sexually violent predator; 7841

(b) A person who is convicted of or pleads guilty to a 7842
sexually oriented offense that is a violation of division (A) (1) 7843
(b) of section 2907.02 of the Revised Code committed on or after 7844
January 2, 2007, and either who is sentenced under section 7845
2971.03 of the Revised Code or upon whom a sentence of life 7846
without parole is imposed under division (B) of section 2907.02 7847
of the Revised Code; 7848

(c) A person who is convicted of or pleads guilty to a 7849
sexually oriented offense that is attempted rape committed on or 7850
after January 2, 2007, and who also is convicted of or pleads 7851
guilty to a specification of the type described in section 7852
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 7853

(d) A person who is convicted of or pleads guilty to an 7854
offense described in division (B) (3) (a), (b), (c), or (d) of 7855
section 2971.03 of the Revised Code and who is sentenced for 7856
that offense pursuant to that division; 7857

(e) An offender who is in a category specified in division 7858
(F) (1) (a), (b), or (c) of this section and who, subsequent to 7859
being subjected to community notification, has pleaded guilty to 7860
or been convicted of a sexually oriented offense or child-victim 7861
oriented offense. 7862

(I) If a person is convicted of, pleads guilty to, has 7863
been convicted of, or has pleaded guilty to a sexually oriented 7864
offense or a child-victim oriented offense or a person is or has 7865
been adjudicated a delinquent child for committing a sexually 7866
oriented offense or a child-victim oriented offense and is 7867
classified a juvenile offender registrant or is an out-of-state 7868

juvenile offender registrant based on that adjudication, and if 7869
the offender or delinquent child is not in any category 7870
specified in division (F) (1) (a), (b), or (c) of this section, 7871
the sheriff with whom the offender or delinquent child has most 7872
recently registered under section 2950.04, 2950.041, or 2950.05 7873
of the Revised Code and the sheriff to whom the offender or 7874
delinquent child most recently sent a notice of intent to reside 7875
under section 2950.04 or 2950.041 of the Revised Code, within 7876
the period of time specified in division (D) of this section, 7877
shall provide a written notice containing the information set 7878
forth in division (B) of this section to the executive director 7879
of the public children services agency that has jurisdiction 7880
within the specified geographical notification area and that is 7881
located within the county served by the sheriff. 7882

(J) Each sheriff shall allow a volunteer organization or 7883
other organization, company, or individual who wishes to receive 7884
the notice described in division (A) (10) of this section 7885
regarding a specific offender or delinquent child or notice 7886
regarding all offenders and delinquent children who are located 7887
in the specified geographical notification area to notify the 7888
sheriff by electronic mail or through the sheriff's web site of 7889
this election. The sheriff shall promptly inform the bureau of 7890
criminal identification and investigation of these requests in 7891
accordance with the forwarding procedures adopted by the 7892
attorney general pursuant to section 2950.13 of the Revised 7893
Code. 7894

(K) In making a determination under division (H) (1) of 7895
this section as to whether to suspend the community notification 7896
requirement under this section for an offender, the judge shall 7897
consider all relevant factors, including, but not limited to, 7898
all of the following: 7899

(1) The offender's age;	7900
(2) The offender's prior criminal or delinquency record regarding all offenses, including, but not limited to, all sexually oriented offenses or child-victim oriented offenses;	7901 7902 7903
(3) The age of the victim of the sexually oriented offense or child-victim oriented offense the offender committed;	7904 7905
(4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims;	7906 7907 7908
(5) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense the offender committed or to prevent the victim from resisting;	7909 7910 7911 7912
(6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders;	7913 7914 7915 7916 7917 7918 7919 7920 7921
(7) Any mental illness or mental disability of the offender;	7922 7923
(8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the child-victim oriented offense the offender	7924 7925 7926 7927 7928

committed, whichever is applicable, and whether the sexual 7929
conduct, sexual contact, or interaction in a sexual context was 7930
part of a demonstrated pattern of abuse; 7931

(9) Whether the offender, during the commission of the 7932
sexually oriented offense or child-victim oriented offense the 7933
offender committed, displayed cruelty or made one or more 7934
threats of cruelty; 7935

(10) Any additional behavioral characteristics that 7936
contribute to the offender's conduct. 7937

(L) As used in this section, "specified geographical 7938
notification area" means the geographic area or areas within 7939
which the attorney general, by rule adopted under section 7940
2950.13 of the Revised Code, requires the notice described in 7941
division (B) of this section to be given to the persons 7942
identified in divisions (A)(2) to (8) of this section. 7943

Sec. 2953.32. (A)(1) Except as provided in section 2953.61 7944
of the Revised Code or as otherwise provided in division ~~(A)(1)~~ 7945
~~(d)~~ (A)(1)(c) of this section, an eligible offender may apply to 7946
the sentencing court if convicted in this state, or to a court 7947
of common pleas if convicted in another state or in a federal 7948
court, for the sealing of the record of the case that pertains 7949
to the conviction, except for convictions listed under section 7950
2953.36 of the Revised Code. Application may be made at one of 7951
the following times: 7952

(a) At the expiration of three years after the offender's 7953
final discharge if convicted of a felony of the third degree, so 7954
long as none of the offenses is a violation of section 2921.43 7955
of the Revised Code; 7956

(b) At the expiration of one year after the offender's 7957

final discharge if convicted of a felony of the fourth or fifth 7958
degree or a misdemeanor, so long as none of the offenses is a 7959
violation of section 2921.43 of the Revised Code. 7960

(c) At the expiration of seven years after the offender's 7961
final discharge if the record includes a conviction of 7962
soliciting improper compensation in violation of section 2921.43 7963
of the Revised Code. 7964

(2) Any person who has been arrested for any misdemeanor 7965
offense and who has effected a bail forfeiture for the offense 7966
charged may apply to the court in which the misdemeanor criminal 7967
case was pending when bail was forfeited for the sealing of the 7968
record of the case that pertains to the charge. Except as 7969
provided in section 2953.61 of the Revised Code, the application 7970
may be filed at any time after the expiration of one year from 7971
the date on which the bail forfeiture was entered upon the 7972
minutes of the court or the journal, whichever entry occurs 7973
first. 7974

(B) Upon the filing of an application under this section, 7975
the court shall set a date for a hearing and shall notify the 7976
prosecutor for the case of the hearing on the application. The 7977
prosecutor may object to the granting of the application by 7978
filing an objection with the court prior to the date set for the 7979
hearing. The prosecutor shall specify in the objection the 7980
reasons for believing a denial of the application is justified. 7981
The court shall direct its regular probation officer, a state 7982
probation officer, or the department of probation of the county 7983
in which the applicant resides to make inquiries and written 7984
reports as the court requires concerning the applicant. The 7985
probation officer or county department of probation that the 7986
court directs to make inquiries concerning the applicant shall 7987

determine whether or not the applicant was fingerprinted at the 7988
time of arrest or under section 109.60 of the Revised Code. If 7989
the applicant was so fingerprinted, the probation officer or 7990
county department of probation shall include with the written 7991
report a record of the applicant's fingerprints. If the 7992
applicant was convicted of or pleaded guilty to a violation of 7993
division (A) (2) or (B) of section 2919.21 of the Revised Code, 7994
the probation officer or county department of probation that the 7995
court directed to make inquiries concerning the applicant shall 7996
contact the child support enforcement agency enforcing the 7997
applicant's obligations under the child support order to inquire 7998
about the offender's compliance with the child support order. 7999

(C) (1) The court shall do each of the following: 8000

(a) Determine whether the applicant is an eligible 8001
offender or whether the forfeiture of bail was agreed to by the 8002
applicant and the prosecutor in the case. If the applicant 8003
applies as an eligible offender pursuant to division (A) (1) of 8004
this section and has two or three convictions that result from 8005
the same indictment, information, or complaint, from the same 8006
plea of guilty, or from the same official proceeding, and result 8007
from related criminal acts that were committed within a three- 8008
month period but do not result from the same act or from 8009
offenses committed at the same time, in making its determination 8010
under this division, the court initially shall determine whether 8011
it is not in the public interest for the two or three 8012
convictions to be counted as one conviction. If the court 8013
determines that it is not in the public interest for the two or 8014
three convictions to be counted as one conviction, the court 8015
shall determine that the applicant is not an eligible offender; 8016
if the court does not make that determination, the court shall 8017
determine that the offender is an eligible offender. 8018

- (b) Determine whether criminal proceedings are pending against the applicant; 8019
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- (c) If the applicant is an eligible offender who applies pursuant to division (A)(1) of this section, determine whether the applicant has been rehabilitated to the satisfaction of the court; 8021
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- (d) If the prosecutor has filed an objection in accordance with division (B) of this section, consider the reasons against granting the application specified by the prosecutor in the objection; 8025
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- (e) Weigh the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed against the legitimate needs, if any, of the government to maintain those records; 8029
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- (f) If the applicant is an eligible offender of the type described in division (A)(3) of section 2953.36 of the Revised Code, determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following: 8033
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- (i) The age of the offender; 8038
- (ii) The facts and circumstances of the offense; 8039
- (iii) The cessation or continuation of criminal behavior; 8040
- (iv) The education and employment of the offender; 8041
- (v) Any other circumstances that may relate to the offender's rehabilitation. 8042
8043
- (2) If the court determines, after complying with division (C)(1) of this section, that the applicant is an eligible 8044
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offender or the subject of a bail forfeiture, that no criminal 8046
proceeding is pending against the applicant, that the interests 8047
of the applicant in having the records pertaining to the 8048
applicant's conviction or bail forfeiture sealed are not 8049
outweighed by any legitimate governmental needs to maintain 8050
those records, and that the rehabilitation of an applicant who 8051
is an eligible offender applying pursuant to division (A)(1) of 8052
this section has been attained to the satisfaction of the court, 8053
the court, except as provided in division (C)(4), (G), (H), or 8054
(I) of this section, shall order all official records of the 8055
case that pertain to the conviction or bail forfeiture sealed 8056
and, except as provided in division (F) of this section, all 8057
index references to the case that pertain to the conviction or 8058
bail forfeiture deleted and, in the case of bail forfeitures, 8059
shall dismiss the charges in the case. The proceedings in the 8060
case that pertain to the conviction or bail forfeiture shall be 8061
considered not to have occurred and the conviction or bail 8062
forfeiture of the person who is the subject of the proceedings 8063
shall be sealed, except that upon conviction of a subsequent 8064
offense, the sealed record of prior conviction or bail 8065
forfeiture may be considered by the court in determining the 8066
sentence or other appropriate disposition, including the relief 8067
provided for in sections 2953.31 to 2953.33 of the Revised Code. 8068

(3) An applicant may request the sealing of the records of 8069
more than one case in a single application under this section. 8070
Upon the filing of an application under this section, the 8071
applicant, unless indigent, shall pay a fee of fifty dollars, 8072
regardless of the number of records the application requests to 8073
have sealed. The court shall pay thirty dollars of the fee into 8074
the state treasury, with fifteen dollars of that amount credited 8075
to the attorney general reimbursement fund created by section 8076

109.11 of the Revised Code. It shall pay twenty dollars of the fee into the county general revenue fund if the sealed conviction or bail forfeiture was pursuant to a state statute, or into the general revenue fund of the municipal corporation involved if the sealed conviction or bail forfeiture was pursuant to a municipal ordinance.

(4) If the court orders the official records pertaining to the case sealed, the court shall do one of the following:

(a) If the applicant was fingerprinted at the time of arrest or under section 109.60 of the Revised Code and the record of the applicant's fingerprints was provided to the court under division (B) of this section, forward a copy of the sealing order and the record of the applicant's fingerprints to the bureau of criminal identification and investigation.

(b) If the applicant was not fingerprinted at the time of arrest or under section 109.60 of the Revised Code, or the record of the applicant's fingerprints was not provided to the court under division (B) of this section, but fingerprinting was required for the offense, order the applicant to appear before a sheriff to have the applicant's fingerprints taken according to the fingerprint system of identification on the forms furnished by the superintendent of the bureau of criminal identification and investigation. The sheriff shall forward the applicant's fingerprints to the court. The court shall forward the applicant's fingerprints and a copy of the sealing order to the bureau of criminal identification and investigation.

Failure of the court to order fingerprints at the time of sealing does not constitute a reversible error.

(D) Inspection of the sealed records included in the order

may be made only by the following persons or for the following 8106
purposes: 8107

(1) By a law enforcement officer or prosecutor, or the 8108
assistants of either, to determine whether the nature and 8109
character of the offense with which a person is to be charged 8110
would be affected by virtue of the person's previously having 8111
been convicted of a crime; 8112

(2) By the parole or probation officer of the person who 8113
is the subject of the records, for the exclusive use of the 8114
officer in supervising the person while on parole or under a 8115
community control sanction or a post-release control sanction, 8116
and in making inquiries and written reports as requested by the 8117
court or adult parole authority; 8118

(3) Upon application by the person who is the subject of 8119
the records, by the persons named in the application; 8120

(4) By a law enforcement officer who was involved in the 8121
case, for use in the officer's defense of a civil action arising 8122
out of the officer's involvement in that case; 8123

(5) By a prosecuting attorney or the prosecuting 8124
attorney's assistants, to determine a defendant's eligibility to 8125
enter a pre-trial diversion program established pursuant to 8126
section 2935.36 of the Revised Code; 8127

(6) By any law enforcement agency or any authorized 8128
employee of a law enforcement agency or by the department of 8129
rehabilitation and correction or department of youth services as 8130
part of a background investigation of a person who applies for 8131
employment with the agency or with the department; 8132

(7) By any law enforcement agency or any authorized 8133
employee of a law enforcement agency, for the purposes set forth 8134

in, and in the manner provided in, section 2953.321 of the Revised Code; 8135
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(8) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of providing information to a board or person pursuant to division (F) or (G) of section 109.57 of the Revised Code; 8137
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(9) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of performing a criminal history records check on a person to whom a certificate as prescribed in section 109.77 of the Revised Code is to be awarded; 8141
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(10) By the bureau of criminal identification and investigation or any authorized employee of the bureau for the purpose of conducting a criminal records check of an individual pursuant to division (B) of section 109.572 of the Revised Code that was requested pursuant to any of the sections identified in division (B)(1) of that section; 8146
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(11) By the bureau of criminal identification and investigation, an authorized employee of the bureau, a sheriff, or an authorized employee of a sheriff in connection with a criminal records check described in section 311.41 of the Revised Code; 8152
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(12) By the attorney general or an authorized employee of the attorney general or a court for purposes of determining a person's classification pursuant to Chapter 2950. of the Revised Code; 8157
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(13) By a court, the registrar of motor vehicles, a prosecuting attorney or the prosecuting attorney's assistants, or a law enforcement officer for the purpose of assessing points 8161
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against a person under section 4510.036 of the Revised Code or 8164
for taking action with regard to points assessed. 8165

When the nature and character of the offense with which a 8166
person is to be charged would be affected by the information, it 8167
may be used for the purpose of charging the person with an 8168
offense. 8169

(E) In any criminal proceeding, proof of any otherwise 8170
admissible prior conviction may be introduced and proved, 8171
notwithstanding the fact that for any such prior conviction an 8172
order of sealing previously was issued pursuant to sections 8173
2953.31 to 2953.36 of the Revised Code. 8174

(F) The person or governmental agency, office, or 8175
department that maintains sealed records pertaining to 8176
convictions or bail forfeitures that have been sealed pursuant 8177
to this section may maintain a manual or computerized index to 8178
the sealed records. The index shall contain only the name of, 8179
and alphanumeric identifiers that relate to, the persons who are 8180
the subject of the sealed records, the word "sealed," and the 8181
name of the person, agency, office, or department that has 8182
custody of the sealed records, and shall not contain the name of 8183
the crime committed. The index shall be made available by the 8184
person who has custody of the sealed records only for the 8185
purposes set forth in divisions (C), (D), and (E) of this 8186
section. 8187

(G) Notwithstanding any provision of this section or 8188
section 2953.33 of the Revised Code that requires otherwise, a 8189
board of education of a city, local, exempted village, or joint 8190
vocational school district that maintains records of an 8191
individual who has been permanently excluded under sections 8192
3301.121 and 3313.662 of the Revised Code is permitted to 8193

maintain records regarding a conviction that was used as the 8194
basis for the individual's permanent exclusion, regardless of a 8195
court order to seal the record. An order issued under this 8196
section to seal the record of a conviction does not revoke the 8197
adjudication order of the ~~superintendent of public instruction~~ 8198
director of education and workforce to permanently exclude the 8199
individual who is the subject of the sealing order. An order 8200
issued under this section to seal the record of a conviction of 8201
an individual may be presented to a district superintendent as 8202
evidence to support the contention that the superintendent 8203
should recommend that the permanent exclusion of the individual 8204
who is the subject of the sealing order be revoked. Except as 8205
otherwise authorized by this division and sections 3301.121 and 8206
3313.662 of the Revised Code, any school employee in possession 8207
of or having access to the sealed conviction records of an 8208
individual that were the basis of a permanent exclusion of the 8209
individual is subject to section 2953.35 of the Revised Code. 8210

(H) Notwithstanding any provision of this section or 8211
section 2953.33 of the Revised Code that requires otherwise, if 8212
the auditor of state or a prosecutor maintains records, reports, 8213
or audits of an individual who has been forever disqualified 8214
from holding public office, employment, or position of trust in 8215
this state under sections 2921.41 and 2921.43 of the Revised 8216
Code, or has otherwise been convicted of an offense based upon 8217
the records, reports, or audits of the auditor of state, the 8218
auditor of state or prosecutor is permitted to maintain those 8219
records to the extent they were used as the basis for the 8220
individual's disqualification or conviction, and shall not be 8221
compelled by court order to seal those records. 8222

(I) For purposes of sections 2953.31 to 2953.36 of the 8223
Revised Code, DNA records collected in the DNA database and 8224

fingerprints filed for record by the superintendent of the 8225
bureau of criminal identification and investigation shall not be 8226
sealed unless the superintendent receives a certified copy of a 8227
final court order establishing that the offender's conviction 8228
has been overturned. For purposes of this section, a court order 8229
is not "final" if time remains for an appeal or application for 8230
discretionary review with respect to the order. 8231

(J) The sealing of a record under this section does not 8232
affect the assessment of points under section 4510.036 of the 8233
Revised Code and does not erase points assessed against a person 8234
as a result of the sealed record. 8235

Sec. 3301.01. (A) There is hereby created the state board 8236
of education consisting of nineteen members with eleven elected 8237
members, one each to be elected in accordance with section 8238
3301.03 of the Revised Code from each of the districts 8239
established in accordance with division (B) of this section, and 8240
with eight members to be appointed by the governor with the 8241
advice and consent of the senate. 8242

In addition to the nineteen elected or appointed members, 8243
the chairperson of the committee of the senate that primarily 8244
deals with education and the chairperson of the committee of the 8245
house of representatives that primarily deals with education 8246
shall be nonvoting ex officio members of the board. 8247

(B) (1) The territory of each state board of education 8248
district for each elected voting member of the board shall 8249
consist of the territory of three contiguous senate districts as 8250
established in the most recent apportionment for members of the 8251
general assembly, but the territory of no senate district shall 8252
be part of the territory of more than one state board of 8253
education district. Each state board of education district shall 8254

be as compact as practicable. The districts shall include, when 8255
practicable, some districts that primarily consist of territory 8256
in rural areas and some districts that primarily consist of 8257
territory in urban areas. 8258

(2) If, after the apportionment for members of the general 8259
assembly is made in any year, the general assembly does not 8260
during that year enact legislation establishing state board of 8261
education districts in accordance with division (B)(1) of this 8262
section, the governor shall designate the boundaries of the 8263
districts in accordance with division (B)(1) of this section no 8264
later than the thirty-first day of January of the year next 8265
succeeding such apportionment. Upon making such designation, the 8266
governor shall give written notice of the boundaries of the 8267
districts to each member of the state board of education, 8268
including the nonvoting ex officio members; the superintendent 8269
of public instruction; the director of education and workforce; 8270
the president of the senate; the speaker of the house of 8271
representatives; and the board of elections of each county in 8272
each new district. On the first day of February in any year in 8273
which the governor designates the boundaries of state board of 8274
education districts under this section, the state board of 8275
education districts as they existed prior to that date shall 8276
cease to exist and the new districts shall be created. 8277

Sec. 3301.07. ~~The state board~~ director of education and 8278
workforce shall exercise under the acts of the general assembly 8279
general supervision of the system of public education in the 8280
state. In addition to the powers otherwise imposed on the ~~state~~ 8281
~~board~~ director under the provisions of law, the ~~board~~ director 8282
shall have the powers described in this section. 8283

(A) ~~The state board~~ director shall exercise policy 8284

forming, planning, and evaluative functions for the public 8285
schools of the state except as otherwise provided by law. 8286

(B) (1) ~~The state board~~ director shall exercise leadership 8287
in the improvement of public education in this state, and 8288
administer the educational policies of this state relating to 8289
public schools, and relating to instruction and instructional 8290
material, building and equipment, transportation of pupils, 8291
administrative responsibilities of school officials and 8292
personnel, and finance and organization of school districts, 8293
educational service centers, and territory. Consultative and 8294
advisory services in such matters shall be provided by the ~~board~~ 8295
department of education and workforce to school districts and 8296
educational service centers of this state. 8297

(2) ~~The state board~~ director also shall develop a standard 8298
of financial reporting which shall be used by each school 8299
district board of education and each governing board of an 8300
educational service center, each governing authority of a 8301
community school established under Chapter 3314., each governing 8302
body of a STEM school established under Chapter ~~3328.~~ 3326., and 8303
each board of trustees of a college-preparatory boarding school 8304
established under Chapter 3328. of the Revised Code to make its 8305
financial information and annual budgets for each school 8306
building under its control available to the public in a format 8307
understandable by the average citizen. The format shall show, 8308
both at the district and at the school building level, revenue 8309
by source; expenditures for salaries, wages, and benefits of 8310
employees, showing such amounts separately for classroom 8311
teachers, other employees required to hold licenses issued 8312
pursuant to sections 3319.22 to 3319.31 of the Revised Code, and 8313
all other employees; expenditures other than for personnel, by 8314
category, including utilities, textbooks and other educational 8315

materials, equipment, permanent improvements, pupil 8316
transportation, extracurricular athletics, and other 8317
extracurricular activities; and per pupil expenditures. The 8318
format shall also include information on total revenue and 8319
expenditures, per pupil revenue, and expenditures for both 8320
classroom and nonclassroom purposes, as defined by the standards 8321
adopted under section 3302.20 of the Revised Code in the 8322
aggregate and for each subgroup of students, as defined by 8323
section 3317.40 of the Revised Code, that receives services 8324
provided for by state or federal funding. 8325

(3) Each school district board, governing authority, 8326
governing body, or board of trustees, or its respective 8327
designee, shall annually report, to the department ~~of education,~~ 8328
all financial information required by the standards for 8329
financial reporting, as prescribed by division (B) (2) of this 8330
section and adopted by the ~~state board~~ director. The department 8331
shall make all reports submitted pursuant to this division 8332
available in such a way that allows for comparison between 8333
financial information included in these reports and financial 8334
information included in reports produced prior to July 1, 2013. 8335
The department shall post these reports in a prominent location 8336
on its web site and shall notify each school when reports are 8337
made available. 8338

(C) The ~~state board~~ director shall administer and 8339
supervise the allocation and distribution of all state and 8340
federal funds for public school education under the provisions 8341
of law, and may prescribe such systems of accounting as are 8342
necessary and proper to this function. It may require county 8343
auditors and treasurers, boards of education, educational 8344
service center governing boards, treasurers of such boards, 8345
teachers, and other school officers and employees, or other 8346

public officers or employees, to file with it such reports as it 8347
may prescribe relating to such funds, or to the management and 8348
condition of such funds. 8349

(D) (1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 8350
XLVII, and LI of the Revised Code a reference is made to 8351
standards prescribed under this section or division (D) of this 8352
section, that reference shall be construed to refer to the 8353
standards prescribed under division (D) (2) of this section, 8354
unless the context specifically indicates a different meaning or 8355
intent. 8356

(2) ~~The state board~~ director shall formulate and prescribe 8357
minimum standards to be applied to all elementary and secondary 8358
schools in this state for the purpose of providing children 8359
access to a general education of high quality according to the 8360
learning needs of each individual, including students with 8361
disabilities, economically disadvantaged students, English 8362
learners, and students identified as gifted. Such standards 8363
shall provide adequately for: ~~the licensing of a requirement~~ 8364
that teachers, administrators, and other professional personnel 8365
be licensed by the state board of education and their assignment 8366
assigned according to training and qualifications; efficient and 8367
effective instructional materials and equipment, including 8368
library facilities; the proper organization, administration, and 8369
supervision of each school, including regulations for preparing 8370
all necessary records and reports and the preparation of a 8371
statement of policies and objectives for each school; the 8372
provision of safe buildings, grounds, health and sanitary 8373
facilities and services; admission of pupils, and such 8374
requirements for their promotion from grade to grade as will 8375
assure that they are capable and prepared for the level of study 8376
to which they are certified; requirements for graduation; and 8377

such other factors as the ~~board~~ director finds necessary. 8378

The ~~state board~~ director shall base any standards 8379
governing the promotion of students or requirements for 8380
graduation on the ability of students, at any grade level, to 8381
earn credits or advance upon demonstration of mastery of 8382
knowledge and skills through competency-based learning models. 8383
Credits of grade level advancement shall not require a minimum 8384
number of days or hours in a classroom. 8385

The ~~state board~~ director shall base any standards 8386
governing the assignment of staff on ensuring each school has a 8387
sufficient number of teachers to ensure a student has an 8388
appropriate level of interaction to meet each student's personal 8389
learning goals. 8390

In the formulation and administration of such standards 8391
for nonpublic schools the ~~board~~ director shall also consider the 8392
particular needs, methods and objectives of those schools, 8393
provided they do not conflict with the provision of a general 8394
education of a high quality and provided that regular procedures 8395
shall be followed for promotion from grade to grade of pupils 8396
who have met the educational requirements prescribed. 8397

(3) In addition to the minimum standards required by 8398
division (D)(2) of this section, the ~~state board~~ director may 8399
formulate and prescribe the following additional minimum 8400
operating standards for school districts: 8401

(a) Standards for the effective and efficient 8402
organization, administration, and supervision of each school 8403
district with a commitment to high expectations for every 8404
student based on the learning needs of each individual, 8405
including students with disabilities, economically disadvantaged 8406

students, English learners, and students identified as gifted, 8407
and commitment to closing the achievement gap without 8408
suppressing the achievement levels of higher achieving students 8409
so that all students achieve core knowledge and skills in 8410
accordance with the statewide academic standards adopted under 8411
section 3301.079 of the Revised Code; 8412

(b) Standards for the establishment of business advisory 8413
councils under section 3313.82 of the Revised Code; 8414

(c) Standards for school district buildings that may 8415
require the effective and efficient organization, 8416
administration, and supervision of each school district building 8417
with a commitment to high expectations for every student based 8418
on the learning needs of each individual, including students 8419
with disabilities, economically disadvantaged students, English 8420
learners, and students identified as gifted, and commitment to 8421
closing the achievement gap without suppressing the achievement 8422
levels of higher achieving students so that all students achieve 8423
core knowledge and skills in accordance with the statewide 8424
academic standards adopted under section 3301.079 of the Revised 8425
Code. 8426

(E) ~~The state board~~ director may require as part of the 8427
health curriculum information developed under section 2108.34 of 8428
the Revised Code promoting the donation of anatomical gifts 8429
pursuant to Chapter 2108. of the Revised Code and may provide 8430
the information to high schools, educational service centers, 8431
and joint vocational school district boards of education; 8432

(F) ~~The state board~~ director shall prepare and submit 8433
annually to the governor and the general assembly a report on 8434
the status, needs, and major problems of the public schools of 8435
the state, with recommendations for necessary legislative action 8436

and a ten-year projection of the state's public and nonpublic 8437
school enrollment, by year and by grade level. 8438

(G) ~~The state board~~ director shall prepare and submit to 8439
the director of budget and management the biennial budgetary 8440
requests of the ~~state board of education, for~~ department and its 8441
~~agencies divisions~~ and for the public schools of the state. 8442

(H) ~~The state board~~ director shall cooperate with federal, 8443
state, and local agencies concerned with the health and welfare 8444
of children and youth of the state. 8445

(I) ~~The state board~~ director shall require such reports 8446
from school districts and educational service centers, school 8447
officers, and employees as are necessary and desirable. The 8448
superintendents and treasurers of school districts and 8449
educational service centers shall certify as to the accuracy of 8450
all reports required by statutory law or ~~state board or state~~ 8451
~~department of education director's~~ rules to be submitted by the 8452
district or educational service center and which contain 8453
information necessary for calculation of state funding. Any 8454
superintendent who knowingly falsifies such report shall be 8455
subject to license revocation pursuant to section 3319.31 of the 8456
Revised Code. 8457

(J) In accordance with Chapter 119. of the Revised Code, 8458
~~the state board~~ director shall adopt procedures, standards, and 8459
guidelines for the education of children with disabilities 8460
pursuant to Chapter 3323. of the Revised Code, including 8461
procedures, standards, and guidelines governing programs and 8462
services operated by county boards of developmental disabilities 8463
pursuant to section 3323.09 of the Revised Code. 8464

(K) For the purpose of encouraging the development of 8465

special programs of education for academically gifted children, 8466
~~the state board~~ director shall employ competent persons to 8467
analyze and publish data, promote research, advise and counsel 8468
with boards of education, and encourage the training of teachers 8469
in the special instruction of gifted children. ~~The board~~ 8470
director may provide financial assistance out of any funds 8471
appropriated for this purpose to boards of education and 8472
educational service center governing boards for developing and 8473
conducting programs of education for academically gifted 8474
children. 8475

(L) ~~The state board~~ director shall require that all public 8476
schools emphasize and encourage, within existing units of study, 8477
the teaching of energy and resource conservation as recommended 8478
to each district board of education by leading business persons 8479
involved in energy production and conservation, beginning in the 8480
primary grades. 8481

(M) ~~The state board~~ director shall formulate and prescribe 8482
minimum standards requiring the use of phonics as a technique in 8483
the teaching of reading in grades kindergarten through three. In 8484
addition, ~~the state board~~ director shall provide in-service 8485
training programs for teachers on the use of phonics as a 8486
technique in the teaching of reading in grades kindergarten 8487
through three. 8488

(N) ~~The state board~~ director may adopt rules necessary for 8489
carrying out any function imposed on ~~it~~ the director by law, and 8490
may provide rules as are necessary for ~~its government and~~ the 8491
government of the department and its employees, and may delegate 8492
~~to the superintendent of public instruction~~ any deputy director 8493
the management and administration of any function imposed on ~~it~~ 8494
the director by law. ~~It may provide for the appointment of board~~ 8495

~~members to serve on temporary committees established by the~~ 8496
~~board for such purposes as are necessary. Permanent or standing~~ 8497
~~committees shall not be created.~~ 8498

(O) Upon application from the board of education of a 8499
school district, the ~~superintendent of public instruction~~ 8500
director may issue a waiver exempting the district from 8501
compliance with the standards adopted under divisions (B) (2) and 8502
(D) of this section, as they relate to the operation of a school 8503
operated by the district. The ~~state board~~ director shall adopt 8504
standards for the approval or disapproval of waivers under this 8505
division. The ~~state superintendent~~ director shall consider every 8506
application for a waiver, and shall determine whether to grant 8507
or deny a waiver in accordance with the ~~state board's~~ those 8508
standards. For each waiver granted, the ~~state superintendent~~ 8509
director shall specify the period of time during which the 8510
waiver is in effect, which shall not exceed five years. A 8511
district board may apply to renew a waiver. 8512

Sec. 3301.071. (A) (1) In the case of nontax-supported 8513
schools, standards for teacher certification prescribed under 8514
section 3301.07 of the Revised Code shall provide for 8515
certification, without further educational requirements, of any 8516
administrator, supervisor, or teacher who has attended and 8517
received a bachelor's degree from a college or university 8518
accredited by a national or regional association in the United 8519
States except that, at the discretion of the state board of 8520
education, this requirement may be met by having an equivalent 8521
degree from a foreign college or university of comparable 8522
standing. 8523

(2) In the case of nonchartered, nontax-supported schools, 8524
the standards for teacher certification prescribed under section 8525

3301.07 of the Revised Code shall provide for certification, 8526
without further educational requirements, of any administrator, 8527
supervisor, or teacher who has attended and received a diploma 8528
from a "bible college" or "bible institute" described in 8529
division (E) of section 1713.02 of the Revised Code. 8530

(3) A certificate issued under division (A) (3) of this 8531
section shall be valid only for teaching foreign language, 8532
music, religion, computer technology, or fine arts. 8533

Notwithstanding division (A) (1) of this section, the 8534
standards for teacher certification prescribed under section 8535
3301.07 of the Revised Code shall provide for certification of a 8536
person as a teacher upon receipt by the state board of an 8537
affidavit signed by the chief administrative officer of a 8538
chartered nonpublic school seeking to employ the person, stating 8539
that the person meets one of the following conditions: 8540

(a) The person has specialized knowledge, skills, or 8541
expertise that qualifies the person to provide instruction. 8542

(b) The person has provided to the chief administrative 8543
officer evidence of at least three years of teaching experience 8544
in a public or nonpublic school. 8545

(c) The person has provided to the chief administrative 8546
officer evidence of completion of a teacher training program 8547
named in the affidavit. 8548

(B) Each person applying for a certificate under this 8549
section for purposes of serving in a nonpublic school chartered 8550
by the ~~state board~~ director of education and workforce under 8551
section 3301.16 of the Revised Code shall pay a fee in the 8552
amount established under division (A) of section 3319.51 of the 8553
Revised Code. Any fees received under this division shall be 8554

paid into the state treasury to the credit of the state board of 8555
education certification fund established under division (B) of 8556
section 3319.51 of the Revised Code. 8557

(C) A person applying for or holding any certificate 8558
pursuant to this section for purposes of serving in a nonpublic 8559
school chartered by the ~~state board~~ director is subject to 8560
sections 3123.41 to 3123.50 of the Revised Code and any 8561
applicable rules adopted under section 3123.63 of the Revised 8562
Code and sections 3319.31 and 3319.311 of the Revised Code. 8563

(D) Divisions (B) and (C) of this section and sections 8564
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 8565
to any administrators, supervisors, or teachers in nonchartered, 8566
nontax-supported schools. 8567

Sec. 3301.072. The ~~state board~~ department of education and 8568
workforce shall establish continuing programs of in-service 8569
training in school district budget and finance for 8570
superintendents of schools or their designees, business 8571
managers, members of boards of education, and treasurers of 8572
boards of education for the purpose of enhancing their 8573
background and working knowledge of government accounting, state 8574
and federal laws relating to school district budgeting and 8575
financing, financial report preparation, rules of the auditor of 8576
state, and budget and accounting management. 8577

The manner and content of each training program shall be 8578
determined and provided by the ~~state board of education~~ 8579
department after consultation with the department of taxation 8580
and the auditor of state. The ~~state board~~ department may enter 8581
into contracts with the department of taxation and the auditor 8582
of state to supply, at cost, any assistance required to enable 8583
the ~~board~~ department of education and workforce to perform its 8584

duties under this section. 8585

Each school district superintendent or ~~his~~ designee of a 8586
superintendent, treasurer or treasurer pro tempore, and business 8587
manager shall attend one training program provided under this 8588
section each year. 8589

Sec. 3301.075. ~~The state board~~ director of education and 8590
workforce shall adopt rules governing the purchasing and leasing 8591
of data processing services and equipment for all local, 8592
exempted village, city, and joint vocational school districts 8593
and all educational service centers. Such rules shall include 8594
provisions for the establishment of an Ohio education computer 8595
network under procedures, guidelines, and specifications of the 8596
department of education and workforce. 8597

The department shall administer funds appropriated for the 8598
Ohio education computer network to ensure its efficient and 8599
economical operation and shall approve no more than twenty-seven 8600
information technology centers to operate concurrently. Such 8601
centers shall be approved for funding in accordance with rules- 8602
~~of the state board~~ adopted under this section that shall ~~provide~~ 8603
~~for the superintendent of public instruction~~ to require the 8604
membership of each information technology center to be composed 8605
of combinations of school districts and educational service 8606
centers having sufficient students to support an efficient, 8607
economical comprehensive program of computer services to member 8608
districts and educational service centers. However, no such rule 8609
shall prohibit a school district or educational service center 8610
from receiving computer services from any information technology 8611
center established under this section or from any other public 8612
or private vendor. Each information technology center shall be 8613
organized in accordance with section 3313.92 or Chapter 167. of 8614

the Revised Code. 8615

The department may approve and administer funding for 8616
programs to provide technical support, maintenance, consulting, 8617
and group purchasing services for information technology 8618
centers, school districts, educational service centers, and 8619
other client entities or governmental entities served in 8620
accordance with rules adopted by the department or as otherwise 8621
authorized by law, and to deliver to schools programs operated 8622
by the infOhio network and the technology solutions group of the 8623
management council of the Ohio education computer network. 8624

Sec. 3301.076. No information technology center 8625
established under section 3301.075 of the Revised Code shall be 8626
required to maintain an operating reserve account or fund or 8627
minimum cash balance. This section does not affect any sinking 8628
fund or other capital improvement fund the center may be 8629
required to maintain as a condition by law or contract relative 8630
to the issuance of securities. Any rule ~~of the state board of~~ 8631
~~education~~ or other regulation or guideline of the department of 8632
education and workforce that conflicts with this section is 8633
void. 8634

Sec. 3301.078. (A) No official or board of this state, 8635
whether appointed or elected, shall enter into any agreement or 8636
memorandum of understanding with any federal or private entity 8637
that would require the state to cede any measure of control over 8638
the development, adoption, or revision of academic content 8639
standards. 8640

(B) No funds appropriated from the general revenue fund 8641
shall be used to purchase an assessment developed by the 8642
partnership for assessment of readiness for college and careers 8643
for use as the assessments prescribed under sections 3301.0710 8644

and 3301.0712 of the Revised Code. 8645

(C) The department of education and workforce shall 8646
request that each assessment vendor contracted by the department 8647
provide an analysis explaining how questions on each of the 8648
assessments prescribed under section 3301.0710 of the Revised 8649
Code and the end-of-course examinations prescribed under 8650
division (B) (2) of section 3301.0712 of the Revised Code 8651
developed by that vendor are aligned to the academic content 8652
standards adopted under section 3301.079 of the Revised Code. 8653
The analysis shall be provided annually to all school districts 8654
and schools for all grade levels for which assessments are 8655
prescribed under sections 3301.0710 and 3301.0712 of the Revised 8656
Code. ~~The analysis shall be produced beginning with the 2019-~~ 8657
~~2020 school year and for each school year thereafter.~~ 8658

(D) The department shall request that each assessment 8659
vendor described in division (C) of this section provide 8660
information and materials to school districts and schools for 8661
assistance with the state achievement assessments. The 8662
information and materials shall include practice assessments and 8663
other preparatory materials. The information and materials shall 8664
be distributed annually to districts and schools ~~beginning with~~ 8665
~~the 2019-2020 school year and for each school year thereafter.~~ 8666

Sec. 3301.079. (A) (1) The ~~state board~~ department of 8667
education and workforce periodically shall adopt statewide 8668
academic standards with emphasis on coherence, focus, and 8669
essential knowledge and that are more challenging and demanding 8670
when compared to international standards for each of grades 8671
kindergarten through twelve in English language arts, 8672
mathematics, science, and social studies. 8673

(a) The ~~state board~~ department shall ensure that the 8674

standards do all of the following: 8675

(i) Include the essential academic content and skills that 8676
students are expected to know and be able to do at each grade 8677
level that will allow each student to be prepared for 8678
postsecondary instruction and the workplace for success in the 8679
twenty-first century; 8680

(ii) Include the development of skill sets that promote 8681
information, media, and technological literacy; 8682

(iii) Include interdisciplinary, project-based, real-world 8683
learning opportunities; 8684

(iv) Instill life-long learning by providing essential 8685
knowledge and skills based in the liberal arts tradition, as 8686
well as science, technology, engineering, mathematics, and 8687
career-technical education; 8688

(v) Be clearly written, transparent, and understandable by 8689
parents, educators, and the general public. 8690

(b) ~~Not later than July 1, 2012, the state board~~ The 8691
department shall incorporate into the social studies standards 8692
for grades four to twelve academic content regarding the 8693
original texts of the Declaration of Independence, the Northwest 8694
Ordinance, the Constitution of the United States and its 8695
amendments, with emphasis on the Bill of Rights, and the Ohio 8696
Constitution, and their original context. ~~The state board~~ 8697
department shall revise the model curricula and achievement 8698
assessments adopted under divisions (B) and (C) of this section 8699
as necessary to reflect the additional American history and 8700
American government content. ~~The state board~~ department shall 8701
make available a list of suggested grade-appropriate 8702
supplemental readings that place the documents prescribed by 8703

this division in their historical context, which teachers may 8704
use as a resource to assist students in reading the documents 8705
within that context. 8706

(c) When the ~~state board department~~ adopts or revises 8707
academic content standards in social studies, American history, 8708
American government, or science under division (A) (1) of this 8709
section, ~~the state board~~ it shall develop such standards 8710
independently and not as part of a multistate consortium. 8711

(2) After completing the standards required by division 8712
(A) (1) of this section, the ~~state board department~~ shall adopt 8713
standards and model curricula for instruction in technology, 8714
financial literacy and entrepreneurship, fine arts, and foreign 8715
language for grades kindergarten through twelve. The standards 8716
shall meet the same requirements prescribed in division (A) (1) 8717
(a) of this section. 8718

(3) The ~~state board department~~ shall adopt the most recent 8719
standards developed by the national association for sport and 8720
physical education for physical education in grades kindergarten 8721
through twelve or shall adopt its own standards for physical 8722
education in those grades and revise and update them 8723
periodically. 8724

The department ~~of education~~ shall employ a full-time 8725
physical education coordinator to provide guidance and technical 8726
assistance to districts, community schools, and STEM schools in 8727
implementing the physical education standards adopted under this 8728
division. The ~~superintendent director of public instruction~~ 8729
education and workforce shall determine that the person employed 8730
as coordinator is qualified for the position, as demonstrated by 8731
possessing an adequate combination of education, license, and 8732
experience. 8733

(4) ~~Not later than September 30, 2022, the state board~~The 8734
department shall update the standards and model curriculum for 8735
instruction in computer science in grades kindergarten through 8736
twelve, which shall include standards for introductory and 8737
advanced computer science courses in grades nine through twelve. 8738
When developing the standards and curriculum, the ~~state board~~ 8739
department shall consider recommendations from computer science 8740
education stakeholder groups, including teachers and 8741
representatives from higher education, industry, computer 8742
science organizations in Ohio, and national computer science 8743
organizations. 8744

Any district or school may utilize the computer science 8745
standards or model curriculum or any part thereof adopted 8746
pursuant to division (A) (4) of this section. However, no 8747
district or school shall be required to utilize all or any part 8748
of the standards or curriculum. 8749

(5) When academic standards have been completed for any 8750
subject area required by this section, the ~~state board~~ 8751
department shall inform all school districts, all community 8752
schools established under Chapter 3314. of the Revised Code, all 8753
STEM schools established under Chapter 3326. of the Revised 8754
Code, and all nonpublic schools required to administer the 8755
assessments prescribed by sections 3301.0710 and 3301.0712 of 8756
the Revised Code of the content of those standards. 8757
Additionally, upon completion of any academic standards under 8758
this section, the department shall post those standards on the 8759
department's web site. 8760

(B) (1) The ~~state board~~department shall adopt a model 8761
curriculum for instruction in each subject area for which 8762
updated academic standards are required by division (A) (1) of 8763

this section and for each of grades kindergarten through twelve 8764
that is sufficient to meet the needs of students in every 8765
community. The model curriculum shall be aligned with the 8766
standards, to ensure that the academic content and skills 8767
specified for each grade level are taught to students, and shall 8768
demonstrate vertical articulation and emphasize coherence, 8769
focus, and rigor. When any model curriculum has been completed, 8770
the ~~state board~~ department shall inform all school districts, 8771
community schools, and STEM schools of the content of that model 8772
curriculum. 8773

(2) ~~Not later than June 30, 2013, the state board, in~~ 8774
~~consultation with any office housed in the governor's office~~ 8775
~~that deals with workforce development, The department, in~~ 8776
consultation with the governor's office of workforce 8777
transformation, shall adopt model curricula for grades 8778
kindergarten through twelve that embed career connection 8779
learning strategies into regular classroom instruction. 8780

(3) All school districts, community schools, and STEM 8781
schools may utilize the state standards and the model curriculum 8782
established by the ~~state board~~ department, together with other 8783
relevant resources, examples, or models to ensure that students 8784
have the opportunity to attain the academic standards. Upon 8785
request, the department shall provide technical assistance to 8786
any district, community school, or STEM school in implementing 8787
the model curriculum. 8788

Nothing in this section requires any school district to 8789
utilize all or any part of a model curriculum developed under 8790
this section. 8791

(C) The ~~state board~~ department shall develop achievement 8792
assessments aligned with the academic standards and model 8793

curriculum for each of the subject areas and grade levels 8794
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 8795
the Revised Code. 8796

When any achievement assessment has been completed, the 8797
~~state board department~~ shall inform all school districts, 8798
community schools, STEM schools, and nonpublic schools required 8799
to administer the assessment of its completion, and the 8800
department shall make the achievement assessment available to 8801
the districts and schools. 8802

(D) (1) The ~~state board department~~ shall adopt a diagnostic 8803
assessment aligned with the academic standards and model 8804
curriculum for each of grades kindergarten through two in 8805
reading, writing, and mathematics and for grade three in reading 8806
and writing. The diagnostic assessment shall be designed to 8807
measure student comprehension of academic content and mastery of 8808
related skills for the relevant subject area and grade level. 8809
Any diagnostic assessment shall not include components to 8810
identify gifted students. Blank copies of diagnostic assessments 8811
shall be public records. 8812

(2) When each diagnostic assessment has been completed, 8813
the ~~state board department~~ shall inform all school districts of 8814
its completion and ~~the department shall~~ make the diagnostic 8815
assessment available to the districts at no cost to the 8816
district. 8817

(3) School districts shall administer the diagnostic 8818
assessment pursuant to section 3301.0715 of the Revised Code 8819
beginning the first school year following the development of the 8820
assessment. 8821

However, beginning with the 2017-2018 school year, both of 8822

the following shall apply: 8823

(a) In the case of the diagnostic assessments for grades 8824
one or two in writing or mathematics or for grade three in 8825
writing, a school district shall not be required to administer 8826
any such assessment, but may do so at the discretion of the 8827
district board; 8828

(b) In the case of any diagnostic assessment that is not 8829
for the grade levels and subject areas specified in division (D) 8830
(3)(a) of this section, each school district shall administer 8831
the assessment in the manner prescribed by section 3301.0715 of 8832
the Revised Code. 8833

(E) The ~~state board~~ department shall not adopt a 8834
diagnostic or achievement assessment for any grade level or 8835
subject area other than those specified in this section. 8836

(F) Whenever the ~~state board or the~~ department consults 8837
with persons for the purpose of drafting or reviewing any 8838
standards, diagnostic assessments, achievement assessments, or 8839
model curriculum required under this section, the ~~state board or~~ 8840
~~the~~ department shall first consult with parents of students in 8841
kindergarten through twelfth grade and with active Ohio 8842
classroom teachers, other school personnel, and administrators 8843
with expertise in the appropriate subject area. Whenever 8844
practicable, the ~~state board and~~ department shall consult with 8845
teachers recognized as outstanding in their fields. 8846

If the department contracts with more than one outside 8847
entity for the development of the achievement assessments 8848
required by this section, the department shall ensure the 8849
interchangeability of those assessments. 8850

(G) Whenever the ~~state board~~ department adopts standards 8851

or model curricula under this section, the department also shall 8852
provide information on the use of blended, online, or digital 8853
learning in the delivery of the standards or curricula to 8854
students in accordance with division (A) (5) of this section. 8855

(H) The fairness sensitivity review committee, ~~established~~ 8856
~~by rule of the state board of education,~~ of the department shall 8857
not allow any question on any achievement or diagnostic 8858
assessment developed under this section or any proficiency test 8859
prescribed by former section 3301.0710 of the Revised Code, as 8860
it existed prior to September 11, 2001, to include, be written 8861
to promote, or inquire as to individual moral or social values 8862
or beliefs. The decision of the committee shall be final. This 8863
section does not create a private cause of action. 8864

(I) Not later than sixty days prior to the adoption ~~by the~~ 8865
~~state board~~ of updated academic standards under division (A) (1) 8866
of this section or updated model curricula under division (B) (1) 8867
of this section, the ~~superintendent~~ director of ~~public~~ 8868
~~instruction~~ education and workforce shall present the academic 8869
standards or model curricula, as applicable, in person at a 8870
public hearing of the respective committees of the house of 8871
representatives and senate that consider education legislation. 8872

(J) As used in this section: 8873

(1) "Blended learning" means the delivery of instruction 8874
in a combination of time primarily in a supervised physical 8875
location away from home and online delivery whereby the student 8876
has some element of control over time, place, path, or pace of 8877
learning and includes noncomputer-based learning opportunities. 8878

(2) "Online learning" means students work primarily from 8879
their residences on assignments delivered via an internet- or 8880

other computer-based instructional method. 8881

(3) "Coherence" means a reflection of the structure of the 8882
discipline being taught. 8883

(4) "Digital learning" means learning facilitated by 8884
technology that gives students some element of control over 8885
time, place, path, or pace of learning. 8886

(5) "Focus" means limiting the number of items included in 8887
a curriculum to allow for deeper exploration of the subject 8888
matter. 8889

(6) "Vertical articulation" means key academic concepts 8890
and skills associated with mastery in particular content areas 8891
should be articulated and reinforced in a developmentally 8892
appropriate manner at each grade level so that over time 8893
students acquire a depth of knowledge and understanding in the 8894
core academic disciplines. 8895

Sec. 3301.0710. ~~The state board~~ department of education 8896
and workforce shall adopt rules establishing a statewide program 8897
to assess student achievement. ~~The state board~~ department shall 8898
ensure that all assessments administered under the program are 8899
aligned with the academic standards and model curricula adopted 8900
by ~~the state board~~ department and are created with input from 8901
Ohio parents, Ohio classroom teachers, Ohio school 8902
administrators, and other Ohio school personnel pursuant to 8903
section 3301.079 of the Revised Code. 8904

The assessment program shall be designed to ensure that 8905
students who receive a high school diploma demonstrate at least 8906
high school levels of achievement in English language arts, 8907
mathematics, science, and social studies. 8908

(A) (1) ~~The state board~~ department shall prescribe all of 8909

the following:	8910
(a) Two statewide achievement assessments, one each	8911
designed to measure the level of English language arts and	8912
mathematics skill expected at the end of third grade;	8913
(b) Two statewide achievement assessments, one each	8914
designed to measure the level of English language arts and	8915
mathematics skill expected at the end of fourth grade;	8916
(c) Three statewide achievement assessments, one each	8917
designed to measure the level of English language arts,	8918
mathematics, and science skill expected at the end of fifth	8919
grade;	8920
(d) Two statewide achievement assessments, one each	8921
designed to measure the level of English language arts and	8922
mathematics skill expected at the end of sixth grade;	8923
(e) Two statewide achievement assessments, one each	8924
designed to measure the level of English language arts and	8925
mathematics skill expected at the end of seventh grade;	8926
(f) Three statewide achievement assessments, one each	8927
designed to measure the level of English language arts,	8928
mathematics, and science skill expected at the end of eighth	8929
grade.	8930
(2) The state board <u>department</u> shall determine and	8931
designate at least five ranges of scores on each of the	8932
achievement assessments described in divisions (A)(1) and (B)(1)	8933
of this section. Each range of scores shall be deemed to	8934
demonstrate a level of achievement so that any student attaining	8935
a score within such range has achieved one of the following:	8936
(a) An advanced level of skill;	8937

- (b) An accomplished level of skill; 8938
- (c) A proficient level of skill; 8939
- (d) A basic level of skill; 8940
- (e) A limited level of skill. 8941

(3) For the purpose of implementing division (A) of 8942
section 3313.608 of the Revised Code, the ~~state board~~ department 8943
shall determine and designate a level of achievement, not lower 8944
than the level designated in division (A) (2) (e) of this section, 8945
on the third grade English language arts assessment for a 8946
student to be promoted to the fourth grade. The ~~state board~~ 8947
department shall review and adjust upward the level of 8948
achievement designated under this division each year the test is 8949
administered until the level is set equal to the level 8950
designated in division (A) (2) (c) of this section. The level of 8951
achievement designated under this division shall be equal to the 8952
level designated in division (A) (2) (c) of this section not later 8953
than July 1, 2024. 8954

(4) Each school district or school shall teach and assess 8955
social studies in at least the fourth and sixth grades. Any 8956
assessment in such area shall be determined by the district or 8957
school and may be formative or summative in nature. The results 8958
of such assessment shall not be reported to the ~~department of~~ 8959
~~education.~~ 8960

(B) (1) The assessments prescribed under division (B) (1) of 8961
this section shall collectively be known as the Ohio graduation 8962
tests. ~~The state board shall prescribe~~ Those tests shall consist 8963
of five statewide high school achievement assessments, one each 8964
designed to measure the level of reading, writing, mathematics, 8965
science, and social studies skill expected at the end of tenth 8966

grade. The ~~state board~~ department shall designate a score in at 8967
least the range designated under division (A) (2) (c) of this 8968
section on each such assessment that shall be deemed to be a 8969
passing score on the assessment as a condition toward granting 8970
high school diplomas under sections 3313.61, 3313.611, 3313.612, 8971
and 3325.08 of the Revised Code until the assessment system 8972
prescribed by section 3301.0712 of the Revised Code is 8973
implemented in accordance with division (B) (2) of this section. 8974

(2) The ~~state board~~ department shall prescribe an 8975
assessment system in accordance with section 3301.0712 of the 8976
Revised Code that shall replace the Ohio graduation tests 8977
beginning with students who enter the ninth grade for the first 8978
time on or after July 1, 2014. 8979

(3) The ~~state board~~ department may enter into a reciprocal 8980
agreement with the appropriate body or agency of any other state 8981
that has similar statewide achievement assessment requirements 8982
for receiving high school diplomas, under which any student who 8983
has met an achievement assessment requirement of one state is 8984
recognized as having met the similar requirement of the other 8985
state for purposes of receiving a high school diploma. For 8986
purposes of this section and sections 3301.0711 and 3313.61 of 8987
the Revised Code, any student enrolled in any public high school 8988
in this state who has met an achievement assessment requirement 8989
specified in a reciprocal agreement entered into under this 8990
division shall be deemed to have attained at least the 8991
applicable score designated under this division on each 8992
assessment required by division (B) (1) or (2) of this section 8993
that is specified in the agreement. 8994

(C) The ~~superintendent of public instruction~~ director of 8995
education and workforce shall designate dates and times for the 8996

administration of the assessments prescribed by divisions (A) 8997
and (B) of this section. 8998

In prescribing administration dates pursuant to this 8999
division, the ~~superintendent~~ director shall designate the dates 9000
in such a way as to allow a reasonable length of time between 9001
the administration of assessments prescribed under this section 9002
and any administration of the national assessment of educational 9003
progress given to students in the same grade level pursuant to 9004
section 3301.27 of the Revised Code or federal law. 9005

(D) The ~~state board~~ department shall prescribe a practice 9006
version of each Ohio graduation test described in division (B) 9007
(1) of this section that is of comparable length to the actual 9008
test. 9009

(E) Any committee established by the department ~~of~~ 9010
~~education~~ for the purpose of making recommendations ~~to the state~~ 9011
~~board~~ regarding the ~~state board's~~ designation of scores on the 9012
assessments described by this section shall inform the ~~state~~ 9013
~~board~~ department of the probable percentage of students who 9014
would score in each of the ranges established under division (A) 9015
(2) of this section on the assessments if the committee's 9016
recommendations are adopted by the ~~state board~~ department. To 9017
the extent possible, these percentages shall be disaggregated by 9018
gender, major racial and ethnic groups, English learners, 9019
economically disadvantaged students, students with disabilities, 9020
and migrant students. 9021

Sec. 3301.0711. (A) The department of education and 9022
workforce shall: 9023

(1) Annually furnish to, grade, and score all assessments 9024
required by divisions (A) (1) and (B) (1) of section 3301.0710 of 9025

the Revised Code to be administered by city, local, exempted 9026
village, and joint vocational school districts, except that each 9027
district shall score any assessment administered pursuant to 9028
division (B) (10) of this section. Each assessment so furnished 9029
shall include the data verification code of the student to whom 9030
the assessment will be administered, as assigned pursuant to 9031
division (D) (2) of section 3301.0714 of the Revised Code. In 9032
furnishing the practice versions of Ohio graduation tests 9033
prescribed by division (D) of section 3301.0710 of the Revised 9034
Code, the department shall make the tests available on its web 9035
site for reproduction by districts. In awarding contracts for 9036
grading assessments, the department shall give preference to 9037
Ohio-based entities employing Ohio residents. 9038

(2) Adopt rules for the ethical use of assessments and 9039
prescribing the manner in which the assessments prescribed by 9040
section 3301.0710 of the Revised Code shall be administered to 9041
students. 9042

(B) Except as provided in divisions (C) and (J) of this 9043
section, the board of education of each city, local, and 9044
exempted village school district shall, in accordance with rules 9045
adopted under division (A) of this section: 9046

(1) Administer the English language arts assessments 9047
prescribed under division (A) (1) (a) of section 3301.0710 of the 9048
Revised Code twice annually to all students in the third grade 9049
who have not attained the score designated for that assessment 9050
under division (A) (2) (c) of section 3301.0710 of the Revised 9051
Code. 9052

(2) Administer the mathematics assessment prescribed under 9053
division (A) (1) (a) of section 3301.0710 of the Revised Code at 9054
least once annually to all students in the third grade. 9055

(3) Administer the assessments prescribed under division	9056
(A) (1) (b) of section 3301.0710 of the Revised Code at least once	9057
annually to all students in the fourth grade.	9058
(4) Administer the assessments prescribed under division	9059
(A) (1) (c) of section 3301.0710 of the Revised Code at least once	9060
annually to all students in the fifth grade.	9061
(5) Administer the assessments prescribed under division	9062
(A) (1) (d) of section 3301.0710 of the Revised Code at least once	9063
annually to all students in the sixth grade.	9064
(6) Administer the assessments prescribed under division	9065
(A) (1) (e) of section 3301.0710 of the Revised Code at least once	9066
annually to all students in the seventh grade.	9067
(7) Administer the assessments prescribed under division	9068
(A) (1) (f) of section 3301.0710 of the Revised Code at least once	9069
annually to all students in the eighth grade.	9070
(8) Except as provided in division (B) (9) of this section,	9071
administer any assessment prescribed under division (B) (1) of	9072
section 3301.0710 of the Revised Code as follows:	9073
(a) At least once annually to all tenth grade students and	9074
at least twice annually to all students in eleventh or twelfth	9075
grade who have not yet attained the score on that assessment	9076
designated under that division;	9077
(b) To any person who has successfully completed the	9078
curriculum in any high school or the individualized education	9079
program developed for the person by any high school pursuant to	9080
section 3323.08 of the Revised Code but has not received a high	9081
school diploma and who requests to take such assessment, at any	9082
time such assessment is administered in the district.	9083

(9) In lieu of the board of education of any city, local, 9084
or exempted village school district in which the student is also 9085
enrolled, the board of a joint vocational school district shall 9086
administer any assessment prescribed under division (B) (1) of 9087
section 3301.0710 of the Revised Code at least twice annually to 9088
any student enrolled in the joint vocational school district who 9089
has not yet attained the score on that assessment designated 9090
under that division. A board of a joint vocational school 9091
district may also administer such an assessment to any student 9092
described in division (B) (8) (b) of this section. 9093

(10) If the district has a three-year average graduation 9094
rate of not more than seventy-five per cent, administer each 9095
assessment prescribed by division (D) of section 3301.0710 of 9096
the Revised Code in September to all ninth grade students who 9097
entered ninth grade prior to July 1, 2014. 9098

Except as provided in section 3313.614 of the Revised Code 9099
for administration of an assessment to a person who has 9100
fulfilled the curriculum requirement for a high school diploma 9101
but has not passed one or more of the required assessments, the 9102
assessments prescribed under division (B) (1) of section 9103
3301.0710 of the Revised Code shall not be administered after 9104
the date specified in the rules adopted ~~by the state board of~~ 9105
~~education~~ under division (D) (1) of section 3301.0712 of the 9106
Revised Code. 9107

(11) (a) Except as provided in divisions (B) (11) (b) and (c) 9108
of this section, administer the assessments prescribed by 9109
division (B) (2) of section 3301.0710 and section 3301.0712 of 9110
the Revised Code in accordance with the timeline and plan for 9111
implementation of those assessments prescribed by rule ~~of the~~ 9112
~~state board~~ adopted under division (D) (1) of section 3301.0712 9113

of the Revised Code; 9114

(b) A student who has presented evidence to the district 9115
or school of having satisfied the condition prescribed by 9116
division (A) (1) of section 3313.618 of the Revised Code to 9117
qualify for a high school diploma prior to the date of the 9118
administration of the assessment prescribed under division (B) 9119
(1) of section 3301.0712 of the Revised Code shall not be 9120
required to take that assessment. However, no board shall 9121
prohibit a student who is not required to take such assessment 9122
from taking the assessment. 9123

(c) A student shall not be required to retake the Algebra 9124
I end-of-course examination or the English language arts II end- 9125
of-course examination prescribed under division (B) (2) of 9126
section 3301.0712 of the Revised Code in grades nine through 9127
twelve if the student demonstrates at least a proficient level 9128
of skill, as prescribed under division (B) (5) (a) of that 9129
section, or achieves a competency score, as prescribed under 9130
division (B) (10) of that section, in an administration of the 9131
examination prior to grade nine. 9132

(C) (1) (a) In the case of a student receiving special 9133
education services under Chapter 3323. of the Revised Code, the 9134
individualized education program developed for the student under 9135
that chapter shall specify the manner in which the student will 9136
participate in the assessments administered under this section, 9137
except that a student with significant cognitive disabilities to 9138
whom an alternate assessment is administered in accordance with 9139
division (C) (1) of this section and a student determined to have 9140
a disability that includes an intellectual disability as 9141
outlined in guidance issued by the department shall not be 9142
required to take the assessment prescribed under division (B) (1) 9143

of section 3301.0712 of the Revised Code. The individualized 9144
education program may excuse the student from taking any 9145
particular assessment required to be administered under this 9146
section if it instead specifies an alternate assessment method 9147
approved by the department ~~of education~~ as conforming to 9148
requirements of federal law for receipt of federal funds for 9149
disadvantaged pupils. To the extent possible, the individualized 9150
education program shall not excuse the student from taking an 9151
assessment unless no reasonable accommodation can be made to 9152
enable the student to take the assessment. No board shall 9153
prohibit a student who is not required to take an assessment 9154
under division (C) (1) of this section from taking the 9155
assessment. 9156

(b) Any alternate assessment approved by the department 9157
for a student under this division shall produce measurable 9158
results comparable to those produced by the assessment it 9159
replaces in order to allow for the student's results to be 9160
included in the data compiled for a school district or building 9161
under section 3302.03 of the Revised Code. 9162

(c) (i) Any student enrolled in a chartered nonpublic 9163
school who has been identified, based on an evaluation conducted 9164
in accordance with section 3323.03 of the Revised Code or 9165
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 9166
29 U.S.C.A. 794, as amended, as a child with a disability shall 9167
be excused from taking any particular assessment required to be 9168
administered under this section if either of the following 9169
apply: 9170

(I) A plan developed for the student pursuant to rules 9171
adopted by the ~~state board~~ department excuses the student from 9172
taking that assessment. 9173

(II) The chartered nonpublic school develops a written 9174
plan in which the school, in consultation with the student's 9175
parents, determines that an assessment or alternative assessment 9176
with accommodations does not accurately assess the student's 9177
academic performance. The plan shall include an academic profile 9178
of the student's academic performance and shall be reviewed 9179
annually to determine if the student's needs continue to require 9180
excusal from taking the assessment. 9181

(ii) A student with significant cognitive disabilities to 9182
whom an alternate assessment is administered in accordance with 9183
division (C)(1) of this section and a student determined to have 9184
a disability that includes an intellectual disability as 9185
outlined in guidance issued by the department shall not be 9186
required to take the assessment prescribed under division (B)(1) 9187
of section 3301.0712 of the Revised Code. 9188

(iii) In the case of any student so excused from taking an 9189
assessment under division (C)(1)(c) of this section, the 9190
chartered nonpublic school shall not prohibit the student from 9191
taking the assessment. 9192

(2) A district board may, for medical reasons or other 9193
good cause, excuse a student from taking an assessment 9194
administered under this section on the date scheduled, but that 9195
assessment shall be administered to the excused student not 9196
later than nine days following the scheduled date. The district 9197
board shall annually report the number of students who have not 9198
taken one or more of the assessments required by this section to 9199
~~the state board~~ department not later than the thirtieth day of 9200
June. 9201

(3) As used in this division, "English learner" has the 9202
same meaning as in 20 U.S.C. 7801. 9203

No school district board shall excuse any English learner 9204
from taking any particular assessment required to be 9205
administered under this section, except as follows: 9206

(a) Any English learner who has been enrolled in United 9207
States schools for less than two years and for whom no 9208
appropriate accommodations are available based on guidance 9209
issued by the department shall not be required to take the 9210
assessment prescribed under division (B) (1) of section 3301.0712 9211
of the Revised Code. 9212

(b) Any English learner who has been enrolled in United 9213
States schools for less than one full school year shall not be 9214
required to take any reading, writing, or English language arts 9215
assessment. 9216

However, no board shall prohibit an English learner who is 9217
not required to take an assessment under division (C) (3) of this 9218
section from taking the assessment. A board may permit any 9219
English learner to take an assessment required to be 9220
administered under this section with appropriate accommodations, 9221
as determined by the department. For each English learner, each 9222
school district shall annually assess that student's progress in 9223
learning English, in accordance with procedures approved by the 9224
department. 9225

(4) (a) The governing authority of a chartered nonpublic 9226
school may excuse an English learner from taking any assessment 9227
administered under this section. 9228

(b) No governing authority shall require an English 9229
learner who has been enrolled in United States schools for less 9230
than two years and for whom no appropriate accommodations are 9231
available based on guidance issued by the department to take the 9232

assessment prescribed under division (B) (1) of section 3301.0712 9233
of the Revised Code. 9234

(c) No governing authority shall prohibit an English 9235
learner from taking an assessment from which the student was 9236
excused under division (C) (4) of this section. 9237

(D) (1) In the school year next succeeding the school year 9238
in which the assessments prescribed by division (A) (1) or (B) (1) 9239
of section 3301.0710 of the Revised Code or former division (A) 9240
(1), (A) (2), or (B) of section 3301.0710 of the Revised Code as 9241
it existed prior to September 11, 2001, are administered to any 9242
student, the board of education of any school district in which 9243
the student is enrolled in that year shall provide to the 9244
student intervention services commensurate with the student's 9245
performance, including any intensive intervention required under 9246
section 3313.608 of the Revised Code, in any skill in which the 9247
student failed to demonstrate at least a score at the proficient 9248
level on the assessment. 9249

(2) Following any administration of the assessments 9250
prescribed by division (D) of section 3301.0710 of the Revised 9251
Code to ninth grade students, each school district that has a 9252
three-year average graduation rate of not more than seventy-five 9253
per cent shall determine for each high school in the district 9254
whether the school shall be required to provide intervention 9255
services to any students who took the assessments. In 9256
determining which high schools shall provide intervention 9257
services based on the resources available, the district shall 9258
consider each school's graduation rate and scores on the 9259
practice assessments. The district also shall consider the 9260
scores received by ninth grade students on the English language 9261
arts and mathematics assessments prescribed under division (A) 9262

(1) (f) of section 3301.0710 of the Revised Code in the eighth 9263
grade in determining which high schools shall provide 9264
intervention services. 9265

Each high school selected to provide intervention services 9266
under this division shall provide intervention services to any 9267
student whose results indicate that the student is failing to 9268
make satisfactory progress toward being able to attain scores at 9269
the proficient level on the Ohio graduation tests. Intervention 9270
services shall be provided in any skill in which a student 9271
demonstrates unsatisfactory progress and shall be commensurate 9272
with the student's performance. Schools shall provide the 9273
intervention services prior to the end of the school year, 9274
during the summer following the ninth grade, in the next 9275
succeeding school year, or at any combination of those times. 9276

(E) Except as provided in section 3313.608 of the Revised 9277
Code and division (N) of this section, no school district board 9278
of education shall utilize any student's failure to attain a 9279
specified score on an assessment administered under this section 9280
as a factor in any decision to deny the student promotion to a 9281
higher grade level. However, a district board may choose not to 9282
promote to the next grade level any student who does not take an 9283
assessment administered under this section or make up an 9284
assessment as provided by division (C) (2) of this section and 9285
who is not exempt from the requirement to take the assessment 9286
under division (C) (3) of this section. 9287

(F) No person shall be charged a fee for taking any 9288
assessment administered under this section. 9289

(G) (1) Each school district board shall designate one 9290
location for the collection of assessments administered in the 9291
spring under division (B) (1) of this section and those 9292

administered under divisions (B) (2) to (7) of this section. Each 9293
district board shall submit the assessments to the entity with 9294
which the department contracts for the scoring of the 9295
assessments as follows: 9296

(a) If the district's total enrollment in grades 9297
kindergarten through twelve during the first full school week of 9298
October was less than two thousand five hundred, not later than 9299
the Friday after all of the assessments have been administered; 9300

(b) If the district's total enrollment in grades 9301
kindergarten through twelve during the first full school week of 9302
October was two thousand five hundred or more, but less than 9303
seven thousand, not later than the Monday after all of the 9304
assessments have been administered; 9305

(c) If the district's total enrollment in grades 9306
kindergarten through twelve during the first full school week of 9307
October was seven thousand or more, not later than the Tuesday 9308
after all of the assessments have been administered. 9309

However, any assessment that a student takes during the 9310
make-up period described in division (C) (2) of this section 9311
shall be submitted not later than the Friday following the day 9312
the student takes the assessment. 9313

(2) The department or an entity with which the department 9314
contracts for the scoring of the assessment shall send to each 9315
school district board a list of the individual scores of all 9316
persons taking a state achievement assessment as follows: 9317

(a) Except as provided in division (G) (2) (b) or (c) of 9318
this section, within forty-five days after the administration of 9319
the assessments prescribed by sections 3301.0710 and 3301.0712 9320
of the Revised Code, but in no case shall the scores be returned 9321

later than the thirtieth day of June following the 9322
administration; 9323

(b) In the case of the third-grade English language arts 9324
assessment, within forty-five days after the administration of 9325
that assessment, but in no case shall the scores be returned 9326
later than the fifteenth day of June following the 9327
administration; 9328

(c) In the case of the writing component of an assessment 9329
or end-of-course examination in the area of English language 9330
arts, except for the third-grade English language arts 9331
assessment, the results may be sent after forty-five days of the 9332
administration of the writing component, but in no case shall 9333
the scores be returned later than the thirtieth day of June 9334
following the administration. 9335

(3) For assessments administered under this section by a 9336
joint vocational school district, the department or entity shall 9337
also send to each city, local, or exempted village school 9338
district a list of the individual scores of any students of such 9339
city, local, or exempted village school district who are 9340
attending school in the joint vocational school district. 9341

(4) Beginning with the 2019-2020 school year, a school 9342
district, other public school, or chartered nonpublic school may 9343
administer the third-grade English language arts or mathematics 9344
assessment, or both, in a paper format in any school year for 9345
which the district board of education or school governing body 9346
adopts a resolution indicating that the district or school 9347
chooses to administer the assessment in a paper format. The 9348
board or governing body shall submit a copy of the resolution to 9349
the department of education and workforce not later than the 9350
first day of May prior to the school year for which it will 9351

apply. If the resolution is submitted, the district or school 9352
shall administer the assessment in a paper format to all 9353
students in the third grade, except that any student whose 9354
individualized education program or plan developed under section 9355
504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 9356
794, as amended, specifies that taking the assessment in an 9357
online format is an appropriate accommodation for the student 9358
may take the assessment in an online format. 9359

(H) Individual scores on any assessments administered 9360
under this section shall be released by a district board only in 9361
accordance with section 3319.321 of the Revised Code and the 9362
rules adopted under division (A) of this section. No district 9363
board or its employees shall utilize individual or aggregate 9364
results in any manner that conflicts with rules for the ethical 9365
use of assessments adopted pursuant to division (A) of this 9366
section. 9367

(I) Except as provided in division (G) of this section, 9368
the department or an entity with which the department contracts 9369
for the scoring of the assessment shall not release any 9370
individual scores on any assessment administered under this 9371
section. ~~The state board~~ department shall adopt rules to ensure 9372
the protection of student confidentiality at all times. The 9373
rules may require the use of the data verification codes 9374
assigned to students pursuant to division (D) (2) of section 9375
3301.0714 of the Revised Code to protect the confidentiality of 9376
student scores. 9377

(J) Notwithstanding division (D) of section 3311.52 of the 9378
Revised Code, this section does not apply to the board of 9379
education of any cooperative education school district except as 9380
provided under rules adopted pursuant to this division. 9381

(1) In accordance with rules that the ~~state board~~ 9382
department shall adopt, the board of education of any city, 9383
exempted village, or local school district with territory in a 9384
cooperative education school district established pursuant to 9385
divisions (A) to (C) of section 3311.52 of the Revised Code may 9386
enter into an agreement with the board of education of the 9387
cooperative education school district for administering any 9388
assessment prescribed under this section to students of the 9389
city, exempted village, or local school district who are 9390
attending school in the cooperative education school district. 9391

(2) In accordance with rules that the ~~state board~~ 9392
department shall adopt, the board of education of any city, 9393
exempted village, or local school district with territory in a 9394
cooperative education school district established pursuant to 9395
section 3311.521 of the Revised Code shall enter into an 9396
agreement with the cooperative district that provides for the 9397
administration of any assessment prescribed under this section 9398
to both of the following: 9399

(a) Students who are attending school in the cooperative 9400
district and who, if the cooperative district were not 9401
established, would be entitled to attend school in the city, 9402
local, or exempted village school district pursuant to section 9403
3313.64 or 3313.65 of the Revised Code; 9404

(b) Persons described in division (B) (8) (b) of this 9405
section. 9406

Any assessment of students pursuant to such an agreement 9407
shall be in lieu of any assessment of such students or persons 9408
pursuant to this section. 9409

(K) (1) (a) Except as otherwise provided in division (K) (1) 9410

or (2) of this section, each chartered nonpublic school for 9411
which at least sixty-five per cent of its total enrollment is 9412
made up of students who are participating in state scholarship 9413
programs shall administer the assessments prescribed by division 9414
(A) of section 3301.0710 of the Revised Code or an alternative 9415
standardized assessment determined by the department. In 9416
accordance with procedures and deadlines prescribed by the 9417
department, the parent or guardian of a student enrolled in the 9418
school who is not participating in a state scholarship program 9419
may submit notice to the chief administrative officer of the 9420
school that the parent or guardian does not wish to have the 9421
student take the assessments prescribed for the student's grade 9422
level under division (A) of section 3301.0710 of the Revised 9423
Code. If a parent or guardian submits an opt-out notice, the 9424
school shall not administer the assessments to that student. 9425
This option does not apply to any assessment required for a high 9426
school diploma under section 3313.612 of the Revised Code. 9427

(b) Any chartered nonpublic school that enrolls students 9428
who are participating in state scholarship programs may 9429
administer an alternative standardized assessment determined by 9430
the department instead of the assessments prescribed by division 9431
(A) of section 3301.0710 of the Revised Code. 9432

Each chartered nonpublic school subject to division (K) (1) 9433
(a) or (b) of this section shall report the results of each 9434
assessment administered under those divisions to the department. 9435

(2) A chartered nonpublic school may submit to the— 9436
~~superintendent of public instruction~~ director of education and 9437
workforce a request for a waiver from administering the 9438
elementary assessments prescribed by division (A) of section 9439
3301.0710 of the Revised Code. The ~~state superintendent~~ director 9440

shall approve or disapprove a request for a waiver submitted 9441
under division (K) (2) of this section. ~~No waiver shall be~~ 9442
~~approved for any school year prior to the 2015-2016 school year.~~ 9443

To be eligible to submit a request for a waiver, a 9444
chartered nonpublic school shall meet the following conditions: 9445

(a) At least ninety-five per cent of the students enrolled 9446
in the school are children with disabilities, as defined under 9447
section 3323.01 of the Revised Code, or have received a 9448
diagnosis by a school district or from a physician, including a 9449
neuropsychiatrist or psychiatrist, or a psychologist who is 9450
authorized to practice in this or another state as having a 9451
condition that impairs academic performance, such as dyslexia, 9452
dyscalculia, attention deficit hyperactivity disorder, or 9453
Asperger's syndrome. 9454

(b) The school has solely served a student population 9455
described in division (K) (1) (a) of this section for at least ten 9456
years. 9457

(c) The school provides to the department at least five 9458
years of records of internal testing conducted by the school 9459
that affords the department data required for accountability 9460
purposes, including diagnostic assessments and nationally 9461
standardized norm-referenced achievement assessments that 9462
measure reading and math skills. 9463

(3) Any chartered nonpublic school that is not subject to 9464
division (K) (1) of this section may participate in the 9465
assessment program by administering any of the assessments 9466
prescribed by division (A) of section 3301.0710 of the Revised 9467
Code. The chief administrator of the school shall specify which 9468
assessments the school will administer. Such specification shall 9469

be made in writing to the ~~superintendent of public instruction~~ 9470
director prior to the first day of August of any school year in 9471
which assessments are administered and shall include a pledge 9472
that the nonpublic school will administer the specified 9473
assessments in the same manner as public schools are required to 9474
do under this section and rules adopted by the department. 9475

(4) The department ~~of education~~ shall furnish the 9476
assessments prescribed by section 3301.0710 of the Revised Code 9477
to each chartered nonpublic school that is subject to division 9478
(K) (1) of this section or participates under division (K) (3) of 9479
this section. 9480

(L) If a chartered nonpublic school is educating students 9481
in grades nine through twelve, the following shall apply: 9482

(1) Except as provided in division (L) (4) of this section, 9483
for a student who is enrolled in a chartered nonpublic school 9484
that is accredited through the independent schools association 9485
of the central states and who is attending the school under a 9486
state scholarship program, the student shall either take all of 9487
the assessments prescribed by division (B) of section 3301.0712 9488
of the Revised Code or take an alternative assessment approved 9489
by the department under section 3313.619 of the Revised Code. 9490
However, a student who is excused from taking an assessment 9491
under division (C) of this section or has presented evidence to 9492
the chartered nonpublic school of having satisfied the condition 9493
prescribed by division (A) (1) of section 3313.618 of the Revised 9494
Code to qualify for a high school diploma prior to the date of 9495
the administration of the assessment prescribed under division 9496
(B) (1) of section 3301.0712 of the Revised Code shall not be 9497
required to take that assessment. No governing authority of a 9498
chartered nonpublic school shall prohibit a student who is not 9499

required to take such assessment from taking the assessment. 9500

(2) For a student who is enrolled in a chartered nonpublic 9501
school that is accredited through the independent schools 9502
association of the central states, and who is not attending the 9503
school under a state scholarship program, the student shall not 9504
be required to take any assessment prescribed under section 9505
3301.0712 or 3313.619 of the Revised Code. 9506

(3) (a) Except as provided in divisions (L) (3) (b) and (4) 9507
of this section, for a student who is enrolled in a chartered 9508
nonpublic school that is not accredited through the independent 9509
schools association of the central states, regardless of whether 9510
the student is attending or is not attending the school under a 9511
state scholarship program, the student shall do one of the 9512
following: 9513

(i) Take all of the assessments prescribed by division (B) 9514
of section 3301.0712 of the Revised Code; 9515

(ii) Take only the assessment prescribed by division (B) 9516
(1) of section 3301.0712 of the Revised Code, provided that the 9517
student's school publishes the results of that assessment for 9518
each graduating class. The published results of that assessment 9519
shall include the overall composite scores, mean scores, twenty- 9520
fifth percentile scores, and seventy-fifth percentile scores for 9521
each subject area of the assessment. 9522

(iii) Take an alternative assessment approved by the 9523
department under section 3313.619 of the Revised Code. 9524

(b) A student who is excused from taking an assessment 9525
under division (C) of this section or has presented evidence to 9526
the chartered nonpublic school of having satisfied the condition 9527
prescribed by division (A) (1) of section 3313.618 of the Revised 9528

Code to qualify for a high school diploma prior to the date of 9529
the administration of the assessment prescribed under division 9530
(B) (1) of section 3301.0712 of the Revised Code shall not be 9531
required to take that assessment. No governing authority of a 9532
chartered nonpublic school shall prohibit a student who is not 9533
required to take such assessment from taking the assessment. 9534

(4) The assessments prescribed by sections 3301.0712 and 9535
3313.619 of the Revised Code shall not be administered to any 9536
student attending the school, if the school meets all of the 9537
following conditions: 9538

(a) At least ninety-five per cent of the students enrolled 9539
in the school are children with disabilities, as defined under 9540
section 3323.01 of the Revised Code, or have received a 9541
diagnosis by a school district or from a physician, including a 9542
neuropsychologist or psychiatrist, or a psychologist who is 9543
authorized to practice in this or another state as having a 9544
condition that impairs academic performance, such as dyslexia, 9545
dyscalculia, attention deficit hyperactivity disorder, or 9546
Asperger's syndrome. 9547

(b) The school has solely served a student population 9548
described in division (L) (4) (a) of this section for at least ten 9549
years. 9550

(c) The school makes available to the department at least 9551
five years of records of internal testing conducted by the 9552
school that affords the department data required for 9553
accountability purposes, including growth in student achievement 9554
in reading or mathematics, or both, as measured by nationally 9555
norm-referenced assessments that have developed appropriate 9556
standards for students. 9557

Division (L) (4) of this section applies to any student 9558
attending such school regardless of whether the student receives 9559
special education or related services and regardless of whether 9560
the student is attending the school under a state scholarship 9561
program. 9562

(M) (1) The superintendent of the state school for the 9563
blind and the superintendent of the state school for the deaf 9564
shall administer the assessments described by sections 3301.0710 9565
and 3301.0712 of the Revised Code. Each superintendent shall 9566
administer the assessments in the same manner as district boards 9567
are required to do under this section and rules adopted by the 9568
~~department of education~~ and in conformity with division (C) (1) 9569
(a) of this section. 9570

(2) The ~~department of education~~ shall furnish the 9571
assessments described by sections 3301.0710 and 3301.0712 of the 9572
Revised Code to each superintendent. 9573

(N) Notwithstanding division (E) of this section, a school 9574
district may use a student's failure to attain a score in at 9575
least the proficient range on the mathematics assessment 9576
described by division (A) (1) (a) of section 3301.0710 of the 9577
Revised Code or on an assessment described by division (A) (1) 9578
(b), (c), (d), (e), or (f) of section 3301.0710 of the Revised 9579
Code as a factor in retaining that student in the current grade 9580
level. 9581

(O) (1) In the manner specified in divisions (O) (3), (4), 9582
(6), and (7) of this section, the assessments required by 9583
division (A) (1) of section 3301.0710 of the Revised Code shall 9584
become public records pursuant to section 149.43 of the Revised 9585
Code on the thirty-first day of July following the school year 9586
that the assessments were administered. 9587

(2) The department may field test proposed questions with 9588
samples of students to determine the validity, reliability, or 9589
appropriateness of questions for possible inclusion in a future 9590
year's assessment. The department also may use anchor questions 9591
on assessments to ensure that different versions of the same 9592
assessment are of comparable difficulty. 9593

Field test questions and anchor questions shall not be 9594
considered in computing scores for individual students. Field 9595
test questions and anchor questions may be included as part of 9596
the administration of any assessment required by division (A) (1) 9597
or (B) of section 3301.0710 and division (B) of section 9598
3301.0712 of the Revised Code. 9599

(3) Any field test question or anchor question 9600
administered under division (O) (2) of this section shall not be 9601
a public record. Such field test questions and anchor questions 9602
shall be redacted from any assessments which are released as a 9603
public record pursuant to division (O) (1) of this section. 9604

(4) This division applies to the assessments prescribed by 9605
division (A) of section 3301.0710 of the Revised Code. 9606

(a) The first administration of each assessment, as 9607
specified in former section 3301.0712 of the Revised Code, shall 9608
be a public record. 9609

(b) For subsequent administrations of each assessment 9610
prior to the 2011-2012 school year, not less than forty per cent 9611
of the questions on the assessment that are used to compute a 9612
student's score shall be a public record. The department shall 9613
determine which questions will be needed for reuse on a future 9614
assessment and those questions shall not be public records and 9615
shall be redacted from the assessment prior to its release as a 9616

public record. However, for each redacted question, the 9617
department shall inform each city, local, and exempted village 9618
school district of the statewide academic standard adopted ~~by~~ 9619
~~the state board~~ under section 3301.079 of the Revised Code and 9620
the corresponding benchmark to which the question relates. The 9621
preceding sentence does not apply to field test questions that 9622
are redacted under division (O) (3) of this section. 9623

(c) The administrations of each assessment in the 2011- 9624
2012, 2012-2013, and 2013-2014 school years shall not be a 9625
public record. 9626

(5) Each assessment prescribed by division (B) (1) of 9627
section 3301.0710 of the Revised Code shall not be a public 9628
record. 9629

(6) (a) Except as provided in division (O) (6) (b) of this 9630
section, for the administrations in the 2014-2015, 2015-2016, 9631
and 2016-2017 school years, questions on the assessments 9632
prescribed under division (A) of section 3301.0710 and division 9633
(B) (2) of section 3301.0712 of the Revised Code and the 9634
corresponding preferred answers that are used to compute a 9635
student's score shall become a public record as follows: 9636

(i) Forty per cent of the questions and preferred answers 9637
on the assessments on the thirty-first day of July following the 9638
administration of the assessment; 9639

(ii) Twenty per cent of the questions and preferred 9640
answers on the assessment on the thirty-first day of July one 9641
year after the administration of the assessment; 9642

(iii) The remaining forty per cent of the questions and 9643
preferred answers on the assessment on the thirty-first day of 9644
July two years after the administration of the assessment. 9645

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

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

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

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

Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and 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 corresponding 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 department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O) (3) of this section.

(P) As used in this section:

(1) "Three-year average" means the average of the most recent consecutive three school years of data.

(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~~ department or an education program outside the state. "Dropout" does not include a student who has departed the country.

(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.

(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.

(5) "Other public school" means a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

Sec. 3301.0712. (A) ~~The state board of education, the~~ 9705
~~superintendent of public instruction, department of education~~ 9706
~~and workforce~~ and the chancellor of higher education shall 9707
develop a system of college and work ready assessments as 9708
described in division (B) of this section to assess whether each 9709
student upon graduating from high school is ready to enter 9710
college or the workforce. Beginning with students who enter the 9711
ninth grade for the first time on or after July 1, 2014, the 9712
system shall replace the Ohio graduation tests prescribed in 9713
division (B)(1) of section 3301.0710 of the Revised Code as a 9714
measure of student academic performance and one determinant of 9715
eligibility for a high school diploma in the manner prescribed 9716
by ~~rule of the state board~~ adopted under division (D) of this 9717
section. 9718

(B) The college and work ready assessment system shall 9719
consist of the following: 9720

(1) (a) Except as provided in division (B)(1)(b) of this 9721
section, nationally standardized assessments that measure 9722
college and career readiness and are used for college admission. 9723
The assessments shall be selected jointly by the ~~state~~ 9724
~~superintendent~~ department and the chancellor, and one of which 9725
shall be selected by each school district or school to 9726
administer to its students. The assessments prescribed under 9727
division (B)(1) of this section shall be administered to all 9728
eleventh-grade students in the spring of the school year. 9729

(b) Beginning with students who enter the ninth grade for 9730
the first time on or after ~~the first day of July immediately~~ 9731
~~following the effective date of this amendment~~ 1, 2022, the 9732
parent or guardian of a student may elect not to have a 9733
nationally standardized assessment administered to that student. 9734

In that event, the student's school district or school shall not 9735
administer the nationally standardized assessment to that 9736
student. 9737

(2) (a) Except as provided in division (B) (2) (b) of this 9738
section, seven end-of-course examinations, one in each of the 9739
areas of English language arts I, English language arts II, 9740
science, Algebra I, geometry, American history, and American 9741
government. The end-of-course examinations shall be selected 9742
jointly by the ~~state superintendent department~~ and the 9743
chancellor in consultation with faculty in the appropriate 9744
subject areas at institutions of higher education of the 9745
university system of Ohio. Advanced placement examinations and 9746
international baccalaureate examinations, as prescribed under 9747
section 3313.6013 of the Revised Code, in the areas of science, 9748
American history, and American government may be used as end-of- 9749
course examinations in accordance with division (B) (4) (a) (i) of 9750
this section. Final course grades for courses taken under any 9751
other advanced standing program, as prescribed under section 9752
3313.6013 of the Revised Code, in the areas of science, American 9753
history, and American government may be used in lieu of end-of- 9754
course examinations in accordance with division (B) (4) (a) (ii) of 9755
this section. 9756

(b) Beginning with students who enter ninth grade for the 9757
first time on or after July 1, 2019, five end-of-course 9758
examinations, one in each areas of English language arts II, 9759
science, Algebra I, American history, and American government. 9760
However, only the end-of-course examinations in English language 9761
arts II and Algebra I shall be required for graduation. 9762

The ~~department of education~~ shall, as necessary to 9763
implement division (B) (2) (b) of this section, seek a waiver from 9764

the United States secretary of education for testing 9765
requirements prescribed under federal law to allow for the use 9766
and implementation of Algebra I as the primary assessment of 9767
high school mathematics. If the department does not receive a 9768
waiver under this division, the end-of-course examinations for 9769
students described in division (B) (2) (b) of this section also 9770
shall include an end-of-course examination in the area of 9771
geometry. However, the geometry end-of-course examination shall 9772
not be required for graduation. 9773

~~(3) (a) Not later than July 1, 2013, each school district 9774
board of education shall adopt interim end of course 9775
examinations that comply with the requirements of divisions (B) 9776
(3) (b) (i) and (ii) of this section to assess mastery of American 9777
history and American government standards adopted under division 9778
(A) (1) (b) of section 3301.079 of the Revised Code and the topics 9779
required under division (M) of section 3313.603 of the Revised 9780
Code. Each high school of the district shall use the interim 9781
examinations until the state superintendent and chancellor 9782
select end of course examinations in American history and 9783
American government under division (B) (2) of this section. 9784~~

~~(b) Not later than July 1, 2014, the state superintendent 9785
and the chancellor shall select the end of course examinations 9786
in American history and American government. 9787~~

~~(i) (3) The end-of-course examinations in American history 9788
and American government shall require demonstration of mastery 9789
of the American history and American government content for 9790
social studies standards adopted under division (A) (1) (b) of 9791
section 3301.079 of the Revised Code and the topics required 9792
under division (M) of section 3313.603 of the Revised Code. 9793~~

~~(ii) At least twenty per cent of the end-of-course 9794~~

examination in American government shall address the topics on 9795
American history and American government described in division 9796
(M) of section 3313.603 of the Revised Code. 9797

(4) (a) Notwithstanding anything to the contrary in this 9798
section, ~~beginning with the 2014-2015 school year,~~ both of the 9799
following shall apply: 9800

(i) If a student is enrolled in an appropriate advanced 9801
placement or international baccalaureate course, that student 9802
shall take the advanced placement or international baccalaureate 9803
examination in lieu of the science, American history, or 9804
American government end-of-course examinations prescribed under 9805
division (B) (2) of this section. ~~The state board~~ department 9806
shall specify the score levels for each advanced placement 9807
examination and international baccalaureate examination for 9808
purposes of calculating the minimum cumulative performance score 9809
that demonstrates the level of academic achievement necessary to 9810
earn a high school diploma. 9811

(ii) If a student is enrolled in an appropriate course 9812
under any other advanced standing program, as described in 9813
section 3313.6013 of the Revised Code, that student shall not be 9814
required to take the science, American history, or American 9815
government end-of-course examination, whichever is applicable, 9816
prescribed under division (B) (2) of this section. Instead, that 9817
student's final course grade shall be used in lieu of the 9818
applicable end-of-course examination prescribed under that 9819
section. ~~The state superintendent~~ department, in consultation 9820
with the chancellor, shall adopt guidelines for purposes of 9821
calculating the corresponding final course grades that 9822
demonstrate the level of academic achievement necessary to earn 9823
a high school diploma. 9824

Division (B) (4) (a) (ii) of this section shall apply only to 9825
courses for which students receive transcribed credit, as 9826
defined in section 3365.01 of the Revised Code. It shall not 9827
apply to remedial or developmental courses. 9828

(b) No student shall take a substitute examination or 9829
examination prescribed under division (B) (4) (a) of this section 9830
in place of the end-of-course examinations in English language 9831
arts I, English language arts II, Algebra I, or geometry 9832
prescribed under division (B) (2) of this section. 9833

(c) ~~The state board~~ department shall consider additional 9834
assessments that may be used, ~~beginning with the 2016-2017-~~ 9835
~~school year,~~ as substitute examinations in lieu of the end-of- 9836
course examinations prescribed under division (B) (2) of this 9837
section. 9838

(5) ~~The state board~~ department shall do all of the 9839
following: 9840

(a) Determine and designate at least five ranges of scores 9841
on each of the end-of-course examinations prescribed under 9842
division (B) (2) of this section, and substitute examinations 9843
prescribed under division (B) (4) of this section. Not later than 9844
sixty days after the designation of ranges of scores, ~~the state-~~ 9845
~~superintendent, or the state superintendent's designee,~~ director 9846
of education and workforce shall conduct a public presentation 9847
before the standing committees of the house of representatives 9848
and the senate that consider primary and secondary education 9849
legislation regarding the designated range of scores. Each range 9850
of scores shall be considered to demonstrate a level of 9851
achievement so that any student attaining a score within such 9852
range has achieved one of the following: 9853

- (i) An advanced level of skill; 9854
- (ii) An accomplished level of skill; 9855
- (iii) A proficient level of skill; 9856
- (iv) A basic level of skill; 9857
- (v) A limited level of skill. 9858
- (b) Determine a method by which to calculate a cumulative 9859
performance score based on the results of a student's end-of- 9860
course examinations or substitute examinations; 9861
- (c) Determine the minimum cumulative performance score 9862
that demonstrates the level of academic achievement necessary to 9863
earn a high school diploma under division (A) (2) of section 9864
3313.618 of the Revised Code. However, ~~the state board shall not~~ 9865
~~determine a~~ no new minimum cumulative performance score shall be 9866
determined after October 17, 2019. 9867
- (d) Develop a table of corresponding score equivalents for 9868
the end-of-course examinations and substitute examinations in 9869
order to calculate student performance consistently across the 9870
different examinations. 9871
- A score of two on an advanced placement examination or a 9872
score of two or three on an international baccalaureate 9873
examination shall be considered equivalent to a proficient level 9874
of skill as specified under division (B) (5) (a) (iii) of this 9875
section. 9876
- (6) (a) A student who meets both of the following 9877
conditions shall not be required to take an end-of-course 9878
examination: 9879
- (i) The student received high school credit prior to July 9880

1, 2015, for a course for which the end-of-course examination is prescribed. 9881
9882

(ii) The examination was not available for administration prior to July 1, 2015. 9883
9884

Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end-of-course examination at a later date. 9885
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(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following: 9890
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9892
9893
9894

(i) The student is considered to have attained a proficient score on the end-of-course examination from which the student is exempt; 9895
9896
9897

(ii) The student's final course grade shall be used in lieu of a score on the end-of-course examination from which the student is exempt. 9898
9899
9900

~~The state superintendent department~~, in consultation with the chancellor, shall adopt guidelines for purposes of calculating the corresponding final course grades and the minimum cumulative performance score that demonstrates the level of academic achievement necessary to earn a high school diploma. 9901
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(7) (a) Notwithstanding anything to the contrary in this section, ~~the state board~~ department may replace the algebra I end-of-course examination prescribed under division (B) (2) of this section with an algebra II end-of-course examination, 9906
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beginning with the 2016-2017 school year for students who enter 9910
ninth grade on or after July 1, 2016. 9911

(b) If the ~~state board~~ department replaces the algebra I 9912
end-of-course examination with an algebra II end-of-course 9913
examination as authorized under division (B) (7) (a) of this 9914
section, both of the following shall apply: 9915

(i) A student who is enrolled in an advanced placement or 9916
international baccalaureate course in algebra II shall take the 9917
advanced placement or international baccalaureate examination in 9918
lieu of the algebra II end-of-course examination. 9919

(ii) A student who is enrolled in an algebra II course 9920
under any other advanced standing program, as described in 9921
section 3313.6013 of the Revised Code, shall not be required to 9922
take the algebra II end-of-course examination. Instead, that 9923
student's final course grade shall be used in lieu of the 9924
examination. 9925

(c) If a school district or school utilizes an integrated 9926
approach to mathematics instruction, the district or school may 9927
do either or both of the following: 9928

(i) Administer an integrated mathematics I end-of-course 9929
examination in lieu of the prescribed algebra I end-of-course 9930
examination; 9931

(ii) Administer an integrated mathematics II end-of-course 9932
examination in lieu of the prescribed geometry end-of-course 9933
examination. 9934

(8) (a) For students entering the ninth grade for the first 9935
time on or after July 1, 2014, but prior to July 1, 2015, the 9936
assessment in the area of science shall be physical science or 9937
biology. For students entering the ninth grade for the first 9938

time on or after July 1, 2015, the assessment in the area of 9939
science shall be biology. 9940

(b) Until July 1, 2019, the department shall make 9941
available the end-of-course examination in physical science for 9942
students who entered the ninth grade for the first time on or 9943
after July 1, 2014, but prior to July 1, 2015, and who wish to 9944
retake the examination. 9945

(c) ~~Not later than July 1, 2016, the state board~~ The 9946
department shall adopt rules prescribing the requirements for 9947
the end-of-course examination in science for students who 9948
entered the ninth grade for the first time on or after July 1, 9949
2014, but prior to July 1, 2015, and who have not met the 9950
requirement prescribed by section 3313.618 of the Revised Code 9951
by July 1, 2019, due to a student's failure to satisfy division 9952
(A) (2) of section 3313.618 of the Revised Code. 9953

(9) ~~Neither the state board nor the~~ The department of 9954
~~education~~ shall not develop or administer an end-of-course 9955
examination in the area of world history. 9956

(10) ~~Not later than March 1, 2020, the~~ The department, in 9957
consultation with the chancellor and the governor's office of 9958
workforce transformation, shall determine a competency score for 9959
both of the Algebra I and English language arts II end-of-course 9960
examinations for the purpose of graduation eligibility. 9961

(C) ~~The state board~~ department shall convene a group of 9962
national experts, state experts, and local practitioners to 9963
provide advice, guidance, and recommendations for the alignment 9964
of standards and model curricula to the assessments and in the 9965
design of the end-of-course examinations prescribed by this 9966
section. 9967

(D) Upon completion of the development of the assessment system, the ~~state board~~ department shall adopt rules prescribing all of the following:

(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the ~~state board~~ department determines such a phase-in is warranted;

(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;

(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B) (3) of section 3313.612 of the Revised Code;

(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school diploma under division (B) of section 3313.614 of the Revised Code;

(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code.

~~(E) Not later than forty-five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in~~

~~final form under section 119.04 of the Revised Code, the~~ 9997
~~superintendent of public instruction shall present the~~ 9998
~~assessment system developed under this section to the respective~~ 9999
~~committees of the house of representatives and senate that~~ 10000
~~consider education legislation.~~ 10001

~~(F) (1)~~ (E) (1) Any person enrolled in a nonchartered 10002
nonpublic school or any person who has been excused from 10003
attendance at school for the purpose of home ~~instruction~~ 10004
education under section ~~3321.04~~ 3321.042 of the Revised Code may 10005
choose to participate in the system of assessments administered 10006
under divisions (B) (1) and (2) of this section. However, no such 10007
person shall be required to participate in the system of 10008
assessments. 10009

(2) The department shall adopt rules for the 10010
administration and scoring of any assessments under division ~~(F)~~ 10011
~~(1)~~ (E) (1) of this section. 10012

~~(G) Not later than December 31, 2014, the state board (F)~~ 10013
The department shall select at least one nationally recognized 10014
job skills assessment. Each school district shall administer 10015
that assessment to those students who opt to take it. ~~The state~~ 10016
department shall reimburse a school district for the costs of 10017
administering that assessment. ~~The state board~~ department shall 10018
establish the minimum score a student must attain on the job 10019
skills assessment in order to demonstrate a student's workforce 10020
readiness and employability. The administration of the job 10021
skills assessment to a student under this division shall not 10022
exempt a school district from administering the assessments 10023
prescribed in division (B) of this section to that student. 10024

Sec. 3301.0713. The department of education and workforce 10025
shall establish an education management information system 10026

advisory council. The council shall make recommendations to the 10027
~~superintendent of public instruction~~ department to improve the 10028
operation of the education management information system 10029
established under section 3301.0714 of the Revised Code and 10030
shall provide a forum for communication and collaboration 10031
between the department and parties affected by the collection, 10032
reporting, and use of the system's data. Members of the council 10033
shall include department staff and representatives of school 10034
districts and other entities that regularly interact with data 10035
from the education management information system. 10036

Sec. 3301.0714. (A) The ~~state board~~ department of 10037
education and workforce shall adopt rules for a statewide 10038
education management information system. The rules shall require 10039
the ~~state board~~ department to establish guidelines for the 10040
establishment and maintenance of the system in accordance with 10041
this section and the rules adopted under this section. The 10042
guidelines shall include: 10043

(1) Standards identifying and defining the types of data 10044
in the system in accordance with divisions (B) and (C) of this 10045
section; 10046

(2) Procedures for annually collecting and reporting the 10047
data to the ~~state board~~ department in accordance with division 10048
(D) of this section; 10049

(3) Procedures for annually compiling the data in 10050
accordance with division (G) of this section; 10051

(4) Procedures for annually reporting the data to the 10052
public in accordance with division (H) of this section; 10053

(5) Standards to provide strict safeguards to protect the 10054
confidentiality of personally identifiable student data. 10055

(B) The guidelines adopted under this section shall 10056
require the data maintained in the education management 10057
information system to include at least the following: 10058

(1) Student participation and performance data, for each 10059
grade in each school district as a whole and for each grade in 10060
each school building in each school district, that includes: 10061

(a) The numbers of students receiving each category of 10062
instructional service offered by the school district, such as 10063
regular education instruction, vocational education instruction, 10064
specialized instruction programs or enrichment instruction that 10065
is part of the educational curriculum, instruction for gifted 10066
students, instruction for students with disabilities, and 10067
remedial instruction. The guidelines shall require instructional 10068
services under this division to be divided into discrete 10069
categories if an instructional service is limited to a specific 10070
subject, a specific type of student, or both, such as regular 10071
instructional services in mathematics, remedial reading 10072
instructional services, instructional services specifically for 10073
students gifted in mathematics or some other subject area, or 10074
instructional services for students with a specific type of 10075
disability. The categories of instructional services required by 10076
the guidelines under this division shall be the same as the 10077
categories of instructional services used in determining cost 10078
units pursuant to division (C) (3) of this section. 10079

(b) The numbers of students receiving support or 10080
extracurricular services for each of the support services or 10081
extracurricular programs offered by the school district, such as 10082
counseling services, health services, and extracurricular sports 10083
and fine arts programs. The categories of services required by 10084
the guidelines under this division shall be the same as the 10085

categories of services used in determining cost units pursuant to division (C) (4) (a) of this section.	10086 10087
(c) Average student grades in each subject in grades nine through twelve;	10088 10089
(d) Academic achievement levels as assessed under sections 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;	10090 10091
(e) The number of students designated as having a disabling condition pursuant to division (C) (1) of section 3301.0711 of the Revised Code;	10092 10093 10094
(f) The numbers of students reported to the state board <u>department</u> pursuant to division (C) (2) of section 3301.0711 of the Revised Code;	10095 10096 10097
(g) Attendance rates and the average daily attendance for the year. For purposes of this division, a student shall be counted as present for any field trip that is approved by the school administration.	10098 10099 10100 10101
(h) Expulsion rates;	10102
(i) Suspension rates;	10103
(j) Dropout rates;	10104
(k) Rates of retention in grade;	10105
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education <u>the director's</u> rules;	10106 10107 10108
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with	10109 10110 10111 10112

nationally accepted reporting requirements; 10113

(n) Results of diagnostic assessments administered to 10114
kindergarten students as required under section 3301.0715 of the 10115
Revised Code to permit a comparison of the academic readiness of 10116
kindergarten students. However, no district shall be required to 10117
report to the department the results of any diagnostic 10118
assessment administered to a kindergarten student, except for 10119
the language and reading assessment described in division (A) (2) 10120
of section 3301.0715 of the Revised Code, if the parent of that 10121
student requests the district not to report those results. 10122

(o) Beginning on July 1, 2018, for each disciplinary 10123
action which is required to be reported under division (B) (4) of 10124
this section, districts and schools also shall include an 10125
identification of the person or persons, if any, at whom the 10126
student's violent behavior that resulted in discipline was 10127
directed. The person or persons shall be identified by the 10128
respective classification at the district or school, such as 10129
student, teacher, or nonteaching employee, but shall not be 10130
identified by name. 10131

Division (B) (1) (o) of this section does not apply after 10132
the date that is two years following the submission of the 10133
report required by Section 733.13 of H.B. 49 of the 132nd 10134
general assembly. 10135

(p) The number of students earning each state diploma seal 10136
included in the system prescribed under division (A) of section 10137
3313.6114 of the Revised Code; 10138

(q) The number of students demonstrating competency for 10139
graduation using each option described in divisions (B) (1) (a) to 10140
(d) of section 3313.618 of the Revised Code; 10141

(r) The number of students completing each foundational 10142
and supporting option as part of the demonstration of competency 10143
for graduation pursuant to division (B) (1) (b) of section 10144
3313.618 of the Revised Code; 10145

(s) The number of students enrolled in all-day 10146
kindergarten, as defined in section 3321.05 of the Revised Code. 10147

(2) Personnel and classroom enrollment data for each 10148
school district, including: 10149

(a) The total numbers of licensed employees and 10150
nonlicensed employees and the numbers of full-time equivalent 10151
licensed employees and nonlicensed employees providing each 10152
category of instructional service, instructional support 10153
service, and administrative support service used pursuant to 10154
division (C) (3) of this section. The guidelines adopted under 10155
this section shall require these categories of data to be 10156
maintained for the school district as a whole and, wherever 10157
applicable, for each grade in the school district as a whole, 10158
for each school building as a whole, and for each grade in each 10159
school building. 10160

(b) The total number of employees and the number of full- 10161
time equivalent employees providing each category of service 10162
used pursuant to divisions (C) (4) (a) and (b) of this section, 10163
and the total numbers of licensed employees and nonlicensed 10164
employees and the numbers of full-time equivalent licensed 10165
employees and nonlicensed employees providing each category used 10166
pursuant to division (C) (4) (c) of this section. The guidelines 10167
adopted under this section shall require these categories of 10168
data to be maintained for the school district as a whole and, 10169
wherever applicable, for each grade in the school district as a 10170
whole, for each school building as a whole, and for each grade 10171

in each school building. 10172

(c) The total number of regular classroom teachers 10173
teaching classes of regular education and the average number of 10174
pupils enrolled in each such class, in each of grades 10175
kindergarten through five in the district as a whole and in each 10176
school building in the school district. 10177

(d) The number of lead teachers employed by each school 10178
district and each school building. 10179

(3) (a) Student demographic data for each school district, 10180
including information regarding the gender ratio of the school 10181
district's pupils, the racial make-up of the school district's 10182
pupils, the number of English learners in the district, and an 10183
appropriate measure of the number of the school district's 10184
pupils who reside in economically disadvantaged households. The 10185
demographic data shall be collected in a manner to allow 10186
correlation with data collected under division (B) (1) of this 10187
section. Categories for data collected pursuant to division (B) 10188
(3) of this section shall conform, where appropriate, to 10189
standard practices of agencies of the federal government. 10190

(b) With respect to each student entering kindergarten, 10191
whether the student previously participated in a public 10192
preschool program, a private preschool program, or a head start 10193
program, and the number of years the student participated in 10194
each of these programs. 10195

(4) Any data required to be collected pursuant to federal 10196
law. 10197

(C) The education management information system shall 10198
include cost accounting data for each district as a whole and 10199
for each school building in each school district. The guidelines 10200

adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following:

(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division (C) (1) to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil in enrolled ADM in the school district, as determined pursuant to section 3317.03 of the Revised Code.

(2) Administrative costs for each school building in the school district. The guidelines shall require the cost units under this division (C) (2) to be designed so that each of them may be compiled and reported in terms of average expenditure per full-time equivalent pupil receiving instructional or support services in each building.

(3) Instructional services costs for each category of instructional service provided directly to students and required by guidelines adopted pursuant to division (B) (1) (a) of this section. The guidelines shall require the cost units under division (C) (3) of this section to be designed so that each of them may be compiled and reported in terms of average expenditure per pupil receiving the service in the school district as a whole and average expenditure per pupil receiving the service in each building in the school district and in terms of a total cost for each category of service and, as a breakdown of the total cost, a cost for each of the following components:

(a) The cost of each instructional services category

required by guidelines adopted under division (B) (1) (a) of this 10231
section that is provided directly to students by a classroom 10232
teacher; 10233

(b) The cost of the instructional support services, such 10234
as services provided by a speech-language pathologist, classroom 10235
aide, multimedia aide, or librarian, provided directly to 10236
students in conjunction with each instructional services 10237
category; 10238

(c) The cost of the administrative support services 10239
related to each instructional services category, such as the 10240
cost of personnel that develop the curriculum for the 10241
instructional services category and the cost of personnel 10242
supervising or coordinating the delivery of the instructional 10243
services category. 10244

(4) Support or extracurricular services costs for each 10245
category of service directly provided to students and required 10246
by guidelines adopted pursuant to division (B) (1) (b) of this 10247
section. The guidelines shall require the cost units under 10248
division (C) (4) of this section to be designed so that each of 10249
them may be compiled and reported in terms of average 10250
expenditure per pupil receiving the service in the school 10251
district as a whole and average expenditure per pupil receiving 10252
the service in each building in the school district and in terms 10253
of a total cost for each category of service and, as a breakdown 10254
of the total cost, a cost for each of the following components: 10255

(a) The cost of each support or extracurricular services 10256
category required by guidelines adopted under division (B) (1) (b) 10257
of this section that is provided directly to students by a 10258
licensed employee, such as services provided by a guidance 10259
counselor or any services provided by a licensed employee under 10260

a supplemental contract; 10261

(b) The cost of each such services category provided 10262
directly to students by a nonlicensed employee, such as 10263
janitorial services, cafeteria services, or services of a sports 10264
trainer; 10265

(c) The cost of the administrative services related to 10266
each services category in division (C) (4) (a) or (b) of this 10267
section, such as the cost of any licensed or nonlicensed 10268
employees that develop, supervise, coordinate, or otherwise are 10269
involved in administering or aiding the delivery of each 10270
services category. 10271

(D) (1) The guidelines adopted under this section shall 10272
require school districts to collect information about individual 10273
students, staff members, or both in connection with any data 10274
required by division (B) or (C) of this section or other 10275
reporting requirements established in the Revised Code. The 10276
guidelines may also require school districts to report 10277
information about individual staff members in connection with 10278
any data required by division (B) or (C) of this section or 10279
other reporting requirements established in the Revised Code. 10280
The guidelines shall not authorize school districts to request 10281
social security numbers of individual students. The guidelines 10282
shall prohibit the reporting under this section of a student's 10283
name, address, and social security number to ~~the state board of~~ 10284
~~education or the department of education~~. The guidelines shall 10285
also prohibit the reporting under this section of any personally 10286
identifiable information about any student, except for the 10287
purpose of assigning the data verification code required by 10288
division (D) (2) of this section, to any other person unless such 10289
person is employed by the school district or the information 10290

technology center operated under section 3301.075 of the Revised Code and is authorized by the district or technology center to have access to such information or is employed by an entity with which the department contracts for the scoring or the development of state assessments. The guidelines may require school districts to provide the social security numbers of individual staff members and the county of residence for a student. Nothing in this section prohibits the ~~state board of education or department of education~~ from providing a student's county of residence to the department of taxation to facilitate the distribution of tax revenue.

(2) (a) The guidelines shall provide for each school district or community school to assign a data verification code that is unique on a statewide basis over time to each student whose initial Ohio enrollment is in that district or school and to report all required individual student data for that student utilizing such code. The guidelines shall also provide for assigning data verification codes to all students enrolled in districts or community schools on the effective date of the guidelines established under this section. The assignment of data verification codes for other entities, as described in division (D) (2) (d) of this section, the use of those codes, and the reporting and use of associated individual student data shall be coordinated by the department of education and workforce in accordance with state and federal law.

School districts shall report individual student data to the department through the information technology centers utilizing the code. The entities described in division (D) (2) (d) of this section shall report individual student data to the department in the manner prescribed by the department.

(b) (i) Except as provided in sections 3301.941, 3310.11, 10321
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 10322
Code, and in division (D) (2) (b) (ii) of this section, at no time 10323
shall the ~~state board or the~~ department have access to 10324
information that would enable any data verification code to be 10325
matched to personally identifiable student data. 10326

(ii) For the purpose of making per-pupil payments to 10327
community schools under section 3317.022 of the Revised Code, 10328
the department shall have access to information that would 10329
enable any data verification code to be matched to personally 10330
identifiable student data. 10331

(c) Each school district and community school shall ensure 10332
that the data verification code is included in the student's 10333
records reported to any subsequent school district, community 10334
school, or state institution of higher education, as defined in 10335
section 3345.011 of the Revised Code, in which the student 10336
enrolls. Any such subsequent district or school shall utilize 10337
the same identifier in its reporting of data under this section. 10338

(d) The director of any state agency that administers a 10339
publicly funded program providing services to children who are 10340
younger than compulsory school age, as defined in section 10341
3321.01 of the Revised Code, including the directors of health, 10342
job and family services, mental health and addiction services, 10343
and developmental disabilities, shall request and receive, 10344
pursuant to sections 3301.0723 and 5123.0423 of the Revised 10345
Code, a data verification code for a child who is receiving 10346
those services. 10347

(E) The guidelines adopted under this section may require 10348
school districts to collect and report data, information, or 10349
reports other than that described in divisions (A), (B), and (C) 10350

of this section for the purpose of complying with other 10351
reporting requirements established in the Revised Code. The 10352
other data, information, or reports may be maintained in the 10353
education management information system but are not required to 10354
be compiled as part of the profile formats required under 10355
division (G) of this section or the annual statewide report 10356
required under division (H) of this section. 10357

(F) ~~Beginning with the school year that begins July 1,~~ 10358
~~1991, the~~ The board of education of each school district shall 10359
annually collect and report to the ~~state board~~ department, in 10360
accordance with the guidelines established by the ~~board~~ 10361
department, the data required pursuant to this section. A school 10362
district may collect and report these data notwithstanding 10363
section 2151.357 or 3319.321 of the Revised Code. 10364

(G) The ~~state board~~ department shall, in accordance with 10365
the procedures it adopts, annually compile the data reported by 10366
each school district pursuant to division (D) of this section. 10367
The ~~state board~~ department shall design formats for profiling 10368
each school district as a whole and each school building within 10369
each district and shall compile the data in accordance with 10370
these formats. These profile formats shall: 10371

(1) Include all of the data gathered under this section in 10372
a manner that facilitates comparison among school districts and 10373
among school buildings within each school district; 10374

(2) Present the data on academic achievement levels as 10375
assessed by the testing of student achievement maintained 10376
pursuant to division (B) (1) (d) of this section. 10377

(H) (1) The ~~state board~~ department shall, in accordance 10378
with the procedures it adopts, annually prepare a statewide 10379

report for all school districts and the general public that 10380
includes the profile of each of the school districts developed 10381
pursuant to division (G) of this section. Copies of the report 10382
shall be sent to each school district. 10383

(2) The ~~state board~~ department shall, in accordance with 10384
the procedures it adopts, annually prepare an individual report 10385
for each school district and the general public that includes 10386
the profiles of each of the school buildings in that school 10387
district developed pursuant to division (G) of this section. 10388
Copies of the report shall be sent to the superintendent of the 10389
district and to each member of the district board of education. 10390

(3) Copies of the reports ~~received from the state board~~ 10391
~~under prescribed in~~ divisions (H) (1) and (2) of this section 10392
shall be made available to the general public at each school 10393
district's offices. Each district board of education shall make 10394
copies of each report available to any person upon request and 10395
payment of a reasonable fee for the cost of reproducing the 10396
report. The board shall annually publish in a newspaper of 10397
general circulation in the school district, at least twice 10398
during the two weeks prior to the week in which the reports will 10399
first be available, a notice containing the address where the 10400
reports are available and the date on which the reports will be 10401
available. 10402

(I) Any data that is collected or maintained pursuant to 10403
this section and that identifies an individual pupil is not a 10404
public record for the purposes of section 149.43 of the Revised 10405
Code. 10406

(J) As used in this section: 10407

(1) "School district" means any city, local, exempted 10408

village, or joint vocational school district and, in accordance 10409
with section 3314.17 of the Revised Code, any community school. 10410
As used in division (L) of this section, "school district" also 10411
includes any educational service center or other educational 10412
entity required to submit data using the system established 10413
under this section. 10414

(2) "Cost" means any expenditure for operating expenses 10415
made by a school district excluding any expenditures for debt 10416
retirement except for payments made to any commercial lending 10417
institution for any loan approved pursuant to section 3313.483 10418
of the Revised Code. 10419

(K) Any person who removes data from the information 10420
system established under this section for the purpose of 10421
releasing it to any person not entitled under law to have access 10422
to such information is subject to section 2913.42 of the Revised 10423
Code prohibiting tampering with data. 10424

(L) (1) In accordance with division (L) (2) of this section 10425
and the rules adopted under division (L) (10) of this section, 10426
the department ~~of education~~ may sanction any school district 10427
that reports incomplete or inaccurate data, reports data that 10428
does not conform to data requirements and descriptions published 10429
by the department, fails to report data in a timely manner, or 10430
otherwise does not make a good faith effort to report data as 10431
required by this section. 10432

(2) If the department decides to sanction a school 10433
district under this division, the department shall take the 10434
following sequential actions: 10435

(a) Notify the district in writing that the department has 10436
determined that data has not been reported as required under 10437

this section and require the district to review its data 10438
submission and submit corrected data by a deadline established 10439
by the department. The department also may require the district 10440
to develop a corrective action plan, which shall include 10441
provisions for the district to provide mandatory staff training 10442
on data reporting procedures. 10443

(b) Withhold up to ten per cent of the total amount of 10444
state funds due to the district for the current fiscal year and, 10445
if not previously required under division (L) (2) (a) of this 10446
section, require the district to develop a corrective action 10447
plan in accordance with that division; 10448

(c) Withhold an additional amount of up to twenty per cent 10449
of the total amount of state funds due to the district for the 10450
current fiscal year; 10451

(d) Direct department staff or an outside entity to 10452
investigate the district's data reporting practices and make 10453
recommendations for subsequent actions. The recommendations may 10454
include one or more of the following actions: 10455

(i) Arrange for an audit of the district's data reporting 10456
practices by department staff or an outside entity; 10457

(ii) Conduct a site visit and evaluation of the district; 10458

(iii) Withhold an additional amount of up to thirty per 10459
cent of the total amount of state funds due to the district for 10460
the current fiscal year; 10461

(iv) Continue monitoring the district's data reporting; 10462

(v) Assign department staff to supervise the district's 10463
data management system; 10464

(vi) Conduct an investigation to determine whether to 10465

suspend or revoke the license of any district employee in 10466
accordance with division (N) of this section; 10467

(vii) If the district is issued a report card under 10468
section 3302.03 of the Revised Code, indicate on the report card 10469
that the district has been sanctioned for failing to report data 10470
as required by this section; 10471

(viii) If the district is issued a report card under 10472
section 3302.03 of the Revised Code and incomplete or inaccurate 10473
data submitted by the district likely caused the district to 10474
receive a higher performance rating than it deserved under that 10475
section, issue a revised report card for the district; 10476

(ix) Any other action designed to correct the district's 10477
data reporting problems. 10478

(3) Any time the department takes an action against a 10479
school district under division (L)(2) of this section, the 10480
department shall make a report of the circumstances that 10481
prompted the action. The department shall send a copy of the 10482
report to the district superintendent or chief administrator and 10483
maintain a copy of the report in its files. 10484

(4) If any action taken under division (L)(2) of this 10485
section resolves a school district's data reporting problems to 10486
the department's satisfaction, the department shall not take any 10487
further actions described by that division. If the department 10488
withheld funds from the district under that division, the 10489
department may release those funds to the district, except that 10490
if the department withheld funding under division (L)(2)(c) of 10491
this section, the department shall not release the funds 10492
withheld under division (L)(2)(b) of this section and, if the 10493
department withheld funding under division (L)(2)(d) of this 10494

section, the department shall not release the funds withheld 10495
under division (L) (2) (b) or (c) of this section. 10496

(5) Notwithstanding anything in this section to the 10497
contrary, the department may use its own staff or an outside 10498
entity to conduct an audit of a school district's data reporting 10499
practices any time the department has reason to believe the 10500
district has not made a good faith effort to report data as 10501
required by this section. If any audit conducted by an outside 10502
entity under division (L) (2) (d) (i) or (5) of this section 10503
confirms that a district has not made a good faith effort to 10504
report data as required by this section, the district shall 10505
reimburse the department for the full cost of the audit. The 10506
department may withhold state funds due to the district for this 10507
purpose. 10508

(6) Prior to issuing a revised report card for a school 10509
district under division (L) (2) (d) (viii) of this section, the 10510
department may hold a hearing to provide the district with an 10511
opportunity to demonstrate that it made a good faith effort to 10512
report data as required by this section. The hearing shall be 10513
conducted by a referee appointed by the department. Based on the 10514
information provided in the hearing, the referee shall recommend 10515
whether the department should issue a revised report card for 10516
the district. If the referee affirms the department's contention 10517
that the district did not make a good faith effort to report 10518
data as required by this section, the district shall bear the 10519
full cost of conducting the hearing and of issuing any revised 10520
report card. 10521

(7) If the department determines that any inaccurate data 10522
reported under this section caused a school district to receive 10523
excess state funds in any fiscal year, the district shall 10524

reimburse the department an amount equal to the excess funds, in 10525
accordance with a payment schedule determined by the department. 10526
The department may withhold state funds due to the district for 10527
this purpose. 10528

(8) Any school district that has funds withheld under 10529
division (L) (2) of this section may appeal the withholding in 10530
accordance with Chapter 119. of the Revised Code. 10531

(9) In all cases of a disagreement between the department 10532
and a school district regarding the appropriateness of an action 10533
taken under division (L) (2) of this section, the burden of proof 10534
shall be on the district to demonstrate that it made a good 10535
faith effort to report data as required by this section. 10536

(10) The ~~state board~~ director of education and workforce 10537
shall adopt rules under Chapter 119. of the Revised Code to 10538
implement division (L) of this section. 10539

(M) No information technology center or school district 10540
shall acquire, change, or update its student administration 10541
software package to manage and report data required to be 10542
reported to the department unless it converts to a student 10543
software package that is certified by the department. 10544

(N) The state board of education, in accordance with 10545
sections 3319.31 and 3319.311 of the Revised Code, may suspend 10546
or revoke a license as defined under division (A) of section 10547
3319.31 of the Revised Code that has been issued to any school 10548
district employee found to have willfully reported erroneous, 10549
inaccurate, or incomplete data to the education management 10550
information system. 10551

(O) No person shall release or maintain any information 10552
about any student in violation of this section. Whoever violates 10553

this division is guilty of a misdemeanor of the fourth degree. 10554

(P) The department shall disaggregate the data collected 10555
under division (B) (1) (n) of this section according to the race 10556
and socioeconomic status of the students assessed. 10557

(Q) If the department cannot compile any of the 10558
information required by division (I) of section 3302.03 of the 10559
Revised Code based upon the data collected under this section, 10560
the department shall develop a plan and a reasonable timeline 10561
for the collection of any data necessary to comply with that 10562
division. 10563

Sec. 3301.0715. (A) Except as required under division (B) 10564
(1) of section 3313.608 or as specified in division (D) (3) of 10565
section 3301.079 of the Revised Code, the board of education of 10566
each city, local, and exempted village school district shall 10567
administer each applicable diagnostic assessment developed and 10568
provided to the district in accordance with section 3301.079 of 10569
the Revised Code to the following: 10570

(1) Any student who transfers into the district or to a 10571
different school within the district if each applicable 10572
diagnostic assessment was not administered by the district or 10573
school the student previously attended in the current school 10574
year, within thirty days after the date of transfer. If the 10575
district or school into which the student transfers cannot 10576
determine whether the student has taken any applicable 10577
diagnostic assessment in the current school year, the district 10578
or school may administer the diagnostic assessment to the 10579
student. However, if a student transfers into the district prior 10580
to the administration of the diagnostic assessments to all 10581
students under division (B) of this section, the district may 10582
administer the diagnostic assessments to that student on the 10583

date or dates determined under that division. 10584

(2) Each kindergarten student, not earlier than the first 10585
day of July of the school year and not later than the twentieth 10586
day of instruction of that school year. 10587

For the purpose of division (A) (2) of this section, the 10588
district shall administer the kindergarten readiness assessment 10589
provided by the department of education and workforce. In no 10590
case shall the results of the readiness assessment be used to 10591
prohibit a student from enrolling in kindergarten. 10592

(3) Each student enrolled in first, second, or third 10593
grade. 10594

Division (A) of this section does not apply to students 10595
with significant cognitive disabilities, as defined by the 10596
~~department of education~~. 10597

(B) Each district board shall administer each diagnostic 10598
assessment when the board deems appropriate, provided the 10599
administration complies with section 3313.608 of the Revised 10600
Code. However, the board shall administer any diagnostic 10601
assessment at least once annually to all students in the 10602
appropriate grade level. A district board may administer any 10603
diagnostic assessment in the fall and spring of a school year to 10604
measure the amount of academic growth attributable to the 10605
instruction received by students during that school year. 10606

(C) A district may use different diagnostic assessments 10607
from those adopted under division (D) of section 3301.079 of the 10608
Revised Code in order to satisfy the requirements of division 10609
(A) (3) of this section if the district meets either of the 10610
following conditions for the immediately preceding school year: 10611

(1) The district received a grade of "A" or "B" for the 10612

performance index score under division (C) (1) (b) of section 10613
3302.03 of the Revised Code or for the value-added progress 10614
dimension under division (C) (1) (e) of that section. 10615

(2) The district received a performance rating of four 10616
stars or higher for achievement under division (D) (3) (b) of 10617
section 3302.03 of the Revised Code or for progress under 10618
division (D) (3) (c) of that section. 10619

(D) Each district board shall utilize and score any 10620
diagnostic assessment administered under division (A) of this 10621
section in accordance with rules established by the department. 10622
After the administration of any diagnostic assessment, each 10623
district shall provide a student's completed diagnostic 10624
assessment, the results of such assessment, and any other 10625
accompanying documents used during the administration of the 10626
assessment to the parent of that student, and shall include all 10627
such documents and information in any plan developed for the 10628
student under division (C) of section 3313.608 of the Revised 10629
Code. Each district shall submit to the department, in the 10630
manner the department prescribes, the results of the diagnostic 10631
assessments administered under this section, regardless of the 10632
type of assessment used under section 3313.608 of the Revised 10633
Code. The department may issue reports with respect to the data 10634
collected. The department may report school and district level 10635
kindergarten diagnostic assessment data and use diagnostic 10636
assessment data to calculate the measures prescribed by 10637
divisions (B) (1) (g), (C) (1) (g), and (D) (1) (h) of section 3302.03 10638
of the Revised Code and the data reported under division (D) (2) 10639
(e) of that section. 10640

(E) Each district board shall provide intervention 10641
services to students whose diagnostic assessments show that they 10642

are failing to make satisfactory progress toward attaining the 10643
academic standards for their grade level. 10644

(F) ~~Beginning in the 2018-2019 school year, any~~ Any 10645
chartered nonpublic school may elect to administer the 10646
kindergarten readiness assessment to all kindergarten students 10647
enrolled in the school. If the school so elects, the chief 10648
administrator of the school shall notify the ~~superintendent of~~ 10649
~~public instruction~~ department not later than the thirty-first 10650
day of March prior to any school year in which the school will 10651
administer the assessment. The department shall furnish the 10652
assessment to the school at no cost to the school. In 10653
administering the assessment, the school shall do all of the 10654
following: 10655

(1) Enter into a written agreement with the department 10656
specifying that the school will share each participating 10657
student's assessment data with the department and, that for the 10658
purpose of reporting the data to the department, each 10659
participating student will be assigned a data verification code 10660
as described in division (D) (2) of section 3301.0714 of the 10661
Revised Code; 10662

(2) Require the assessment to be administered by a teacher 10663
certified under section 3301.071 of the Revised Code who either 10664
has completed training on administering the kindergarten 10665
readiness assessment provided by the department or has been 10666
trained by another person who has completed such training; 10667

(3) Administer the assessment in the same manner as school 10668
districts are required to do under this section and the rules 10669
established under division (D) of this section. 10670

(G) ~~Beginning in the 2019-2020 school year, a~~ A school 10671

district in which less than eighty per cent of its students 10672
score at the proficient level or higher on the third-grade 10673
English language arts assessment prescribed under section 10674
3301.0710 of the Revised Code shall establish a reading 10675
improvement plan supported by reading specialists. Prior to 10676
implementation, the plan shall be approved by the school 10677
district board of education. 10678

Sec. 3301.0716. Notwithstanding division (D) of section 10679
3301.0714 of the Revised Code, the department of education and 10680
workforce may have access to personally identifiable information 10681
about any student under the following circumstances: 10682

(A) An entity with which the department contracts for the 10683
scoring of assessments administered under section 3301.0711 or 10684
3301.0712 of the Revised Code has notified the department that 10685
the student's written response to a question on an assessment 10686
included threats or descriptions of harm to another person or 10687
the student's self and the information is necessary to enable 10688
the department to identify the student for purposes of notifying 10689
the school district or school in which the student is enrolled 10690
of the potential for harm. 10691

(B) The department requests the information to respond to 10692
an appeal from a school district or school for verification of 10693
the accuracy of the student's score on an assessment 10694
administered under section 3301.0711 or 3301.0712 of the Revised 10695
Code. 10696

(C) The department requests the information to determine 10697
whether the student satisfies the alternative conditions for a 10698
high school diploma prescribed in section 3313.615 of the 10699
Revised Code. 10700

Sec. 3301.0717. In addition to the duties imposed on it by law, the ~~state board~~ department of education and workforce shall establish and submit to the governor and the general assembly a clear and measurable set of goals with specific timetables for their achievement. The goals shall be established for programs designed to accomplish:

- (A) A reduction in rates of retention in grade;
- (B) Reductions in the need for remedial courses;
- (C) Reductions in the student dropout rate;
- (D) Improvements in scores on standardized tests;
- (E) Increases in satisfactory completion of high school achievement tests;
- (F) Increases in American college test scores;
- (G) Increases in the rate of college entry;
- (H) Reductions in the need for remedial courses for first-year college students.

In July of each odd-numbered year, the ~~state board of~~ education department shall submit a report on progress made toward these goals to the governor and the general assembly.

Sec. 3301.0718. The ~~state board~~ department of education and workforce shall not adopt or revise any standards or curriculum in the area of health unless, by concurrent resolution, the standards, curriculum, or revisions are approved by both houses of the general assembly. Before the house of representatives or senate votes on a concurrent resolution approving health standards, curriculum, or revisions, its standing committee having jurisdiction over education

legislation shall conduct at least one public hearing on the 10728
standards, curriculum, or revisions. 10729

Sec. 3301.0719. (A) As used in this section, "business 10730
education" includes, but is not limited to, accounting, career 10731
development, economics and personal finance, entrepreneurship, 10732
information technology, management, and marketing. 10733

(B) ~~the state board~~ The department of education and 10734
workforce shall adopt standards for business education in grades 10735
seven through twelve. The standards shall incorporate existing 10736
business education standards as appropriate to help guide 10737
instruction in the state's schools. The department shall provide 10738
the standards, and any revisions of the standards, to all school 10739
districts, community schools established under Chapter 3314. of 10740
the Revised Code, and STEM schools established under Chapter 10741
3326. of the Revised Code. Any school district, community school 10742
or STEM school may utilize the standards. Standards adopted 10743
under this division shall supplement, and not supersede, 10744
academic content standards adopted under section 3301.079 of the 10745
Revised Code. 10746

Sec. 3301.0720. ~~The state board~~ department of education 10747
and workforce shall recommend all of the following to school 10748
districts in connection with the teaching of secondary school 10749
sciences: 10750

(A) A suggested curriculum for the teaching of chemistry, 10751
physics, biology, and whatever additional sciences the ~~state~~ 10752
~~board~~ department may select; 10753

(B) Lists of minimum supplies and equipment necessary for 10754
the teaching of each science for which a curriculum is suggested 10755
under division (A) of this section, with special emphasis on 10756

recommended safety equipment; 10757

(C) Acquisition and replacement schedules for the supplies 10758
and equipment listed under division (B) of this section. The 10759
schedules shall ensure availability of at least minimum 10760
inventories in every high school. 10761

(D) Suggested safety procedures, including all of the 10762
following: 10763

(1) Training for students and teachers in the safe 10764
handling and use of hazardous and potentially hazardous 10765
materials and equipment; 10766

(2) Methods of safely storing and disposing of hazardous 10767
and potentially hazardous materials; 10768

(3) Provisions for a biennial assessment of each high 10769
school's safety equipment and procedures by someone other than 10770
the school personnel directly responsible for them, and 10771
recommended procedures for making the results of any assessment 10772
available to the public. 10773

Sec. 3301.0721. (A) ~~The superintendent of public~~ 10774
~~instruction~~ department of education and workforce shall develop 10775
a model curriculum for instruction in college and career 10776
readiness and financial literacy. The curriculum shall focus on 10777
grades seven through twelve, but ~~the superintendent~~ may include 10778
other grade levels. When the model curriculum has been 10779
developed, the ~~department of education~~ shall notify all school 10780
districts, community schools established under Chapter 3314. of 10781
the Revised Code, and STEM schools established under Chapter 10782
3326. of the Revised Code of the content of the curriculum. Any 10783
district or school may utilize the model curriculum. 10784

(B) ~~The state board of education~~ director of education and 10785

workforce, in collaboration with the director of public safety, 10786
shall develop a model curriculum for instruction in grades nine 10787
through twelve on proper interactions with peace officers during 10788
traffic stops and other in-person encounters with peace 10789
officers. In developing the curriculum under division (B) of 10790
this section, ~~the state board and the director~~ directors may 10791
consult with any interested party, including a volunteer work 10792
group convened for the purpose of making recommendations 10793
regarding the instruction. Before finalizing any curriculum 10794
under division (B) of this section, ~~the state board and the~~ 10795
~~director~~ directors shall provide a reasonable period for public 10796
comment. The curriculum shall include both of the following: 10797

(1) Information regarding all of the following: 10798

(a) A person's rights during an interaction with a peace 10799
officer; 10800

(b) Proper actions for interacting with a peace officer; 10801

(c) Which individuals are considered peace officers, and 10802
their duties and responsibilities; 10803

(d) Laws regarding questioning and detention by peace 10804
officers, including any law requiring a person to present proof 10805
of identity to a peace officer, and the consequences for a 10806
person's or officer's failure to comply with those laws. 10807

(2) Demonstrations and role-play activities in a classroom 10808
setting that allow students to better understand how 10809
interactions between civilians and peace officers can and should 10810
unfold. 10811

As used in this section, "peace officer" has the same 10812
meaning as in section 109.71 of the Revised Code. 10813

Sec. 3301.0723. (A) The independent contractor engaged by 10814
the department of education and workforce to create and maintain 10815
for school districts and community schools the student data 10816
verification codes required by division (D) (2) of section 10817
3301.0714 of the Revised Code, upon request of the director of 10818
any state agency that administers a publicly funded program 10819
providing services to children who are younger than compulsory 10820
school age, as defined in section 3321.01 of the Revised Code, 10821
including the directors of health, job and family services, 10822
mental health and addiction services, and developmental 10823
disabilities, shall assign a data verification code to a child 10824
who is receiving such services and shall provide that code to 10825
the director. The contractor also shall provide that code to the 10826
department of education and workforce. 10827

(B) The director of a state agency that receives a child's 10828
data verification code under division (A) of this section shall 10829
use that code to submit information for that child to the 10830
department of education and workforce in accordance with 10831
section 3301.0714 of the Revised Code. 10832

(C) A public school that receives from the independent 10833
contractor the data verification code for a child assigned under 10834
division (A) of this section shall not request or assign to that 10835
child another data verification code under division (D) (2) of 10836
section 3301.0714 of the Revised Code. That school and any other 10837
public school in which the child subsequently enrolls shall use 10838
the data verification code assigned under division (A) of this 10839
section to report data relative to that student required under 10840
section 3301.0714 of the Revised Code. 10841

Sec. 3301.0725. A school district may employ certificated 10842
instructional personnel for hours outside of the normal school 10843

day for the purpose of providing extended programming. Extended 10844
programming, as defined by rule of the ~~state board~~ department of 10845
education and workforce, shall be based upon learner needs and, 10846
if applicable, business and industry validated standards and 10847
competencies and shall enhance student learning opportunities. 10848
Extended programming shall be subject to the requirements of 10849
sections 3313.6018 and 3313.6019 of the Revised Code. 10850

No rule of the ~~state board~~ department shall require 10851
extended programming employment of certificated instructional 10852
personnel as a condition of eligibility for funding under any 10853
other section of the Revised Code. 10854

Sec. 3301.0726. (A) The department of education and 10855
workforce shall develop a packet of high school instructional 10856
materials on personal financial responsibility, including 10857
instructional materials on the avoidance of credit card abuse, 10858
and shall distribute that packet to all school districts. The 10859
board of education of any school district may adopt part or all 10860
of the materials included in the packet for incorporation into 10861
the district's curriculum. 10862

(B) The ~~department of education~~ shall include supplemental 10863
instructional materials on the development of handwriting as a 10864
universal skill in the English language arts model curriculum 10865
under division (B) of section 3301.079 of the Revised Code for 10866
grades kindergarten through five. The instructional materials 10867
shall be designed to enable students to print letters and words 10868
legibly by grade three and create readable documents using 10869
legible cursive handwriting by the end of grade five. The 10870
instructional materials shall be included in the model 10871
curriculum not later than ~~the first day of July that next~~ 10872
~~succeeds the effective date of this amendment~~ July 1, 2019, and, 10873

thereafter, shall periodically be updated. 10874

Sec. 3301.0728. Notwithstanding anything in the Revised 10875
Code to the contrary, a student may retake any end-of-course 10876
examination prescribed under division (B)(2) of section 10877
3301.0712 of the Revised Code during the student's academic 10878
career at a time designated by the department of education and 10879
workforce. If, for any reason, a student does not take an end- 10880
of-course examination on the scheduled administration date, the 10881
~~department of education~~ shall make available to the student the 10882
examination for which the student was absent, or a substantially 10883
similar examination as determined by the department, so that the 10884
student may take the examination or a substantially similar 10885
examination at a later time in the student's academic career. 10886
~~The state board of education~~ department shall adopt rules in 10887
accordance with Chapter 119. of the Revised Code to implement 10888
the provisions of this section. 10889

Sec. 3301.0730. (A) As used in this section: 10890

(1) "Education management information system" means the 10891
integrated system of statewide data collecting, reporting, and 10892
compiling for school districts and schools prescribed under 10893
section 3301.0714 of the Revised Code. 10894

(2) "EMIS guidelines" means any guidance issued by the 10895
department of education and workforce containing the student, 10896
staff, and financial information to be collected and reported, 10897
along with data-element definitions, procedures, and guidelines 10898
necessary to implement the education management information 10899
system. 10900

(B) ~~Not later than June 1, 2021, the~~ The department shall 10901
develop a procedure that permits users of the education 10902

management information system to review and provide comment on 10903
new or updated EMIS guidelines. The procedure shall satisfy all 10904
of the following conditions: 10905

(1) The department shall post a copy of the proposed new 10906
or updated EMIS guidelines on the department's web site. The 10907
department shall solicit comment from EMIS users on the proposed 10908
guidelines for thirty consecutive days. 10909

(2) The department shall respond to comments provided by 10910
users and may revise the proposed new or updated EMIS guidelines 10911
based on comments provided by users within thirty consecutive 10912
days after the comment period closes. 10913

(3) The department shall post the final new or updated 10914
EMIS guidelines on its web site at the end of the response 10915
period for thirty consecutive days for a final review by EMIS 10916
users. The new or updated guidelines shall take effect after 10917
that period ends. 10918

(C) Except as provided in division (D) of this section, if 10919
the department develops new or updated EMIS guidelines to 10920
implement a program, initiative, or policy, the department shall 10921
use the procedures prescribed under division (B) of this 10922
section. ~~For any such new or updated guidelines proposed to be~~ 10923
~~effective for the 2021-2022 school year, the department shall~~ 10924
~~initiate the procedures not later than June 15, 2021. For any~~ 10925
~~such new or updated guidelines proposed to be effective for a~~ 10926
~~subsequent school year, the~~ The department shall initiate the 10927
procedures not later than the fifteenth day of May immediately 10928
prior to the beginning of ~~that the~~ school year for which the new 10929
or updated EMIS guidelines will be effective. 10930

(D) On and after June 1, 2021, the department shall use 10931

the procedure prescribed under division (B) of this section for 10932
any new or updated EMIS guidelines developed by the department 10933
for the purposes of implementing any of the following: 10934

(1) A newly enacted state or federal law; 10935

(2) A new or updated federal rule; 10936

(3) A rule ~~or resolution~~ adopted by the ~~state board of~~ 10937
education department. 10938

(E) The department shall not be required to use the 10939
procedure prescribed under division (B) of this section when 10940
issuing any of the following: 10941

(1) Updated EMIS guidelines to address issues that are not 10942
substantive, such as correcting grammatical errors; 10943

(2) Updated EMIS guidelines to address unforeseen 10944
technical errors; 10945

(3) Supplemental documents regarding EMIS guidelines and 10946
the education management information system, including documents 10947
that do any of the following: 10948

(a) Clarify the implementation of EMIS guidelines; 10949

(b) Answer questions submitted by users of the education 10950
management system; 10951

(c) Provide training regarding the education management 10952
information system. 10953

(F) Additionally, the department shall establish both of 10954
the following: 10955

(1) Uniform guidance for career-technical planning 10956
districts and information technology centers established under 10957
section 3301.075 of the Revised Code regarding the education 10958

management information system and EMIS guidelines for career- 10959
technical planning districts; 10960

(2) Uniform training programs for all personnel employed 10961
by the department to administer the education management 10962
information system. 10963

Sec. 3301.0731. The minimum education standards prescribed 10964
by the director of education and workforce for nonchartered 10965
nonpublic schools under section 3301.07 of the Revised Code 10966
shall comply with this section. 10967

(A) A nonchartered nonpublic school that is not seeking a 10968
charter from the department of education and workforce because 10969
of truly held religious beliefs shall annually certify in a 10970
report to the parents of its pupils that the school meets 10971
minimum education standards for nonchartered nonpublic schools 10972
as described in this section. A copy of the report shall be 10973
filed with the department of education and workforce on or 10974
before the thirtieth day of September of each year. 10975

(B) A nonchartered nonpublic school shall be open for 10976
instruction with pupils in attendance for not less than four 10977
hundred fifty-five hours in the case of pupils in kindergarten 10978
unless such pupils are provided all-day kindergarten, in which 10979
case the pupils shall be in attendance for nine hundred ten 10980
hours; nine hundred ten hours in the case of pupils in grades 10981
one through six; and one thousand one hours in the case of 10982
pupils in grades seven through twelve in each school year. 10983

(C) The parents of a child enrolled in a nonchartered 10984
nonpublic school shall be responsible for reporting their 10985
child's enrollment or withdrawal from that school to the 10986
treasurer of the board of education of the city, exempted 10987

village, or local school district in which the pupil resides. 10988
Pupil attendance is reported for the purposes of facilitating 10989
the administration of laws relating to compulsory education and 10990
the employment of minors. An individual in charge of the 10991
nonchartered nonpublic school may, as a matter of convenience, 10992
provide the report to the treasurer on behalf of the parents. 10993

The attendance report shall include the name, age, and 10994
place of residence of each pupil below eighteen years of age. 10995
The report shall be made within the first two weeks of the 10996
beginning of each school year. In the case of pupil withdrawal 10997
or entrance during the school year, notice shall be given to the 10998
treasurer of the appropriate board of education within the first 10999
week of the next school month. 11000

(D) Teachers and administrators at nonchartered nonpublic 11001
schools shall hold at least a bachelor's degree, or the 11002
equivalent, from a recognized college or university. 11003

(E) The curriculum of each nonchartered nonpublic school 11004
shall include the study of the following subjects: 11005

(1) Language arts; 11006

(2) Geography, the history of the United States and Ohio, 11007
and national, state, and local government; 11008

(3) Mathematics; 11009

(4) Science; 11010

(5) Health; 11011

(6) Physical education; 11012

(7) The fine arts, including music; 11013

(8) First aid, safety, and fire prevention; 11014

(9) Other subjects as prescribed by the nonchartered nonpublic school. 11015
11016

(F) Each nonchartered nonpublic school shall follow regular procedures for promotion from grade to grade for pupils who have met the school's educational requirements. 11017
11018
11019

(G) Each nonchartered nonpublic school shall comply with all applicable health, fire, and safety laws. 11020
11021

(H) Pupils attending a nonchartered nonpublic school shall not be entitled to pupil transportation or auxiliary services. A nonchartered nonpublic school is not entitled to reimbursement for administrative costs. 11022
11023
11024
11025

Sec. 3301.10. ~~The superintendent of public instruction~~ 11026
director of education and workforce shall be a member of the 11027
board of trustees of the Ohio history connection, in addition to 11028
the members constituting such board. 11029

Sec. 3301.11. The superintendent of public instruction 11030
shall be the executive and administrative officer of the state 11031
board of education in its administration of all educational 11032
matters and functions placed under its management and control. 11033
~~He~~ The superintendent shall execute, under the direction of the 11034
state board of education, the educational policies, orders, 11035
directives, and administrative functions of the board, ~~and shall~~ 11036
~~direct, under rules and regulations adopted by the board, the~~ 11037
~~work of all persons employed in the state department of~~ 11038
~~education.~~ 11039

Upon the request of the state board of education, the 11040
superintendent of public instruction shall report to the board 11041
on any matter. 11042

Sec. 3301.111. (A) The state board of education is 11043

responsible for the adoption of requirements for educator 11044
licensure, licensee disciplinary actions, school district 11045
territory transfer determinations, and such other powers and 11046
duties expressly prescribed for the state board under the law, 11047
including in sections 3301.071, 3301.074, 3301.28, 3302.151, 11048
3314.40, 3326.24, 3328.19, and Chapters 3311. and 3319. of the 11049
Revised Code. In exercising any of its powers or duties, 11050
including adopting rules prescribing license requirements, the 11051
state board is subject to Chapter 119. of the Revised Code. 11052

(B) The state board shall make recommendations to the 11053
director of education and workforce regarding priorities for 11054
primary and secondary education. The state board may request the 11055
assistance of the department of education and workforce in 11056
exercising the state board's powers and duties. To the extent 11057
the director determines such assistance necessary and 11058
practicable, the department shall provide the requested 11059
assistance. 11060

(C) The state board shall appoint the superintendent of 11061
public instruction in accordance with Ohio Constitution, Article 11062
VI, Section 4 and section 3301.08 of the Revised Code. The state 11063
superintendent shall be the secretary of the state board and its 11064
executive officer in accordance with sections 3301.09 and 11065
3301.11 of the Revised Code. The state superintendent shall 11066
serve as an advisor to the director. 11067

(D) The state board shall employ such personnel as it 11068
determines necessary to carry out its duties and powers. Subject 11069
to the state board's policies, rules, and regulations, the state 11070
superintendent shall exercise general supervision of the state 11071
board's employees, as prescribed in section 3301.11 of the 11072
Revised Code, and may appoint, fix the salary, and terminate the 11073

employment of such employees. 11074

(E) The state board is subject to all provisions of law 11075
pertaining to departments, offices, or institutions established 11076
for the exercise of any function of the state government, except 11077
that it is not one of the departments provided for under 11078
division (A) of section 121.01 of the Revised Code. 11079

(F) The headquarters of the state board shall be at the 11080
seat of government, where office space suitable and adequate for 11081
the work of the state board shall be provided by the appropriate 11082
state agency. There the state board shall meet and transact its 11083
business, unless the state board chooses to meet elsewhere in 11084
Ohio as provided by section 3301.04 of the Revised Code. There 11085
the records of the state board and the records, papers, and 11086
documents belonging to the state board shall be kept in charge 11087
of the state superintendent. 11088

Sec. 3301.12. ~~(A) The superintendent of public instruction~~ 11089
~~director of education and workforce,~~ in addition to the 11090
authority otherwise imposed on the ~~superintendent~~ director, 11091
shall perform the following duties: 11092

~~(1) The superintendent shall provide~~ Provide technical and 11093
professional assistance and advice to all school districts in 11094
reference to all aspects of education, including finance, 11095
buildings and equipment, administration, organization of school 11096
districts, curriculum and instruction, transportation of pupils, 11097
personnel problems, and the interpretation of school laws and 11098
state regulations-; 11099

~~(2) The superintendent shall prescribe~~ Prescribe and 11100
require the preparation and filing of such financial and other 11101
reports from school districts, officers, and employees as are 11102

necessary or proper. The ~~superintendent~~ director shall prescribe 11103
and require the installation by school districts of such 11104
standardized reporting forms and accounting procedures as are 11105
essential to the businesslike operations of the public schools 11106
of the state. 11107

(3) ~~The superintendent shall conduct~~ Conduct such studies 11108
and research projects as are necessary or desirable for the 11109
improvement of public school education in Ohio, ~~and such as may~~ 11110
~~be assigned to the superintendent by the state board of~~ 11111
~~education.~~ Such studies and projects may include analysis of 11112
data contained in the education management information system 11113
established under section 3301.0714 of the Revised Code. For any 11114
study or project that requires the analysis of individual 11115
student data, the department of education and workforce or any 11116
entity with which the ~~superintendent~~ director or department 11117
contracts to conduct the study or project shall maintain the 11118
confidentiality of student data at all times. For this purpose, 11119
the department or contracting entity shall use the data 11120
verification code assigned pursuant to division (D) (2) of 11121
section 3301.0714 of the Revised Code for each student whose 11122
data is analyzed. Except as otherwise provided in division (D) 11123
(1) of section 3301.0714 of the Revised Code, at no time shall 11124
the ~~superintendent~~director, the department, the state board of 11125
education, or any entity conducting a study or research project 11126
on the ~~superintendent's~~director's behalf have access to a 11127
student's name, address, or social security number while 11128
analyzing individual student data. 11129

(4) ~~The superintendent shall prepare~~ Prepare and submit 11130
annually ~~to the state board of education~~ a report of the 11131
activities of the department ~~of education~~ and the status, 11132
problems, and needs of education in the state ~~of Ohio.~~ 11133

(5) ~~The superintendent shall supervise~~ Supervise all 11134
agencies over which the ~~board~~ department exercises 11135
administrative control, including schools for education of 11136
persons with disabilities. ~~;~~ 11137

(6) In accordance with section 3333.048 of the Revised 11138
Code, the ~~superintendent, director,~~ jointly with the chancellor 11139
of ~~the Ohio board of regents,~~ higher education, shall establish 11140
metrics and courses of study for institutions of higher 11141
education that prepare educators and other school personnel and 11142
shall provide for inspection of those institutions. 11143

(B) ~~The superintendent of public instruction~~ director may 11144
annually inspect and analyze the expenditures of each school 11145
district and make a determination as to the efficiency of each 11146
district's costs, relative to other school districts in the 11147
state, for instructional, administrative, and student support 11148
services. ~~The superintendent~~ director shall notify each school 11149
district as to the nature of, and reasons for, the 11150
determination. ~~The state board of education~~ director shall adopt 11151
rules in accordance with Chapter 119. of the Revised Code 11152
setting forth the procedures and standards for the performance 11153
of the inspection and analysis. 11154

Sec. 3301.121. (A) In addition to the duties and 11155
responsibilities of the ~~superintendent of public instruction~~ 11156
director of education and workforce set forth in section 3301.12 11157
of the Revised Code, the ~~superintendent~~ director, in accordance 11158
with this section and section 3313.662 of the Revised Code, 11159
shall conduct an adjudication procedure to determine whether to 11160
permanently exclude from attending any of the public schools of 11161
this state any pupil who is the subject of a resolution 11162
forwarded to the ~~superintendent~~ director by a board of education 11163

pursuant to division (D) of section 3313.662 of the Revised Code. 11164
11165

(B)(1) Except as provided in division (B)(3) of this 11166
section, within fourteen days after receipt of a resolution 11167
forwarded by a board of education pursuant to division (D) of 11168
section 3313.662 of the Revised Code, the ~~superintendent of~~ 11169
~~public instruction director~~ or the ~~superintendent's~~ director's 11170
designee shall provide the pupil who is the subject of the 11171
resolution and that pupil's parent, guardian, or custodian with 11172
a notice of an opportunity for an adjudication hearing on the 11173
proposed permanent exclusion of the pupil from attending any of 11174
the public schools of this state. The notice shall include all 11175
of the following: 11176

(a) The date, time, and place of the permanent exclusion 11177
adjudication hearing; 11178

(b) A statement informing the pupil and the pupil's 11179
parent, guardian, or custodian that the pupil may attend the 11180
adjudication hearing at the date, time, and place set forth in 11181
the notice, that the failure of the pupil or the pupil's parent, 11182
guardian, or custodian to attend the adjudication hearing will 11183
result in a waiver of the pupil's right to present evidence, 11184
testimony, and factors in mitigation of the pupil's permanent 11185
exclusion at an adjudication hearing on the proposed permanent 11186
exclusion, and that the pupil shall be accorded all of the 11187
following rights: 11188

(i) The right to testify, to present evidence and the 11189
testimony of witnesses, and to confront, cross-examine, and 11190
compel the attendance of witnesses; 11191

(ii) The right to a record of the hearing; 11192

(iii) The right to written findings. 11193

(c) A statement informing the pupil and the pupil's 11194
parent, guardian, or custodian that the pupil has the right to 11195
be represented by counsel at the adjudication hearing. 11196

(d) A statement informing the pupil and the pupil's 11197
parent, guardian, or custodian that, if the pupil by failing to 11198
attend the hearing waives the pupil's right to present evidence, 11199
testimony, and factors in mitigation of the pupil's permanent 11200
exclusion at an adjudication hearing on the proposed permanent 11201
exclusion, the ~~superintendent~~ director is required to review the 11202
information relevant to the permanent exclusion that is 11203
available to the ~~superintendent~~ director and is permitted to 11204
enter an order requiring the pupil's permanent exclusion from 11205
attending any of the public schools of this state at any time 11206
within seven days after the conclusion of the adjudication 11207
hearing. 11208

(2) The ~~superintendent~~ director or the ~~superintendent's~~ 11209
director's designee shall provide the notice required by 11210
division (B)(1) of this section to the pupil and to the pupil's 11211
parent, guardian, or custodian by certified mail or personal 11212
service. 11213

(3) (a) If a pupil who is the subject of a resolution 11214
forwarded to the ~~superintendent of public instruction~~ director 11215
by a board of education pursuant to section 3313.662 of the 11216
Revised Code is in the custody of the department of youth 11217
services pursuant to a disposition under any provision of 11218
Chapter 2152. of the Revised Code, other than division (A)(1)(a) 11219
of section 2152.16 of the Revised Code, at the time the 11220
resolution is forwarded, the department shall notify in writing 11221
the ~~superintendent of public instruction~~ director and the board 11222

of education that forwarded the resolution of that fact. Upon 11223
receipt of the notice, the ~~superintendent~~ director shall delay 11224
providing the notice required by division (B) (1) of this section 11225
and the adjudication of the request for permanent exclusion 11226
until the ~~superintendent~~ director receives further notice from 11227
the department pursuant to division (B) (3) (b) of this section. 11228

(b) At least sixty days before a pupil described in 11229
division (B) (3) (a) of this section will be released from 11230
institutionalization or institutionalization in a secure 11231
facility by the department of youth services, the department 11232
shall notify in writing the ~~superintendent of public instruction~~ 11233
director and the board of education that forwarded the 11234
resolution pursuant to section 3313.662 of the Revised Code of 11235
the impending release and shall provide in that notice 11236
information regarding the extent of the education the pupil 11237
received while in the custody of the department, including 11238
whether the pupil has obtained a certificate of high school 11239
equivalence. 11240

If the pupil has not obtained a certificate of high school 11241
equivalence while in the custody of the department of youth 11242
services, the ~~superintendent of public instruction~~ director 11243
shall provide the notice required by division (B) (1) of this 11244
section and, at least thirty days before the pupil is to be 11245
released from institutionalization or institutionalization in a 11246
secure facility, conduct an adjudication procedure to determine 11247
whether to permanently exclude the pupil from attending the 11248
public schools of this state in accordance with this section. If 11249
the pupil has obtained a certificate of high school equivalence 11250
while in the custody of the department, the ~~superintendent~~ 11251
director, in the ~~superintendent's~~ director's discretion, may 11252
conduct the adjudication. 11253

(C) (1) Except as provided in division (B) (3) of this section, the date of the adjudication hearing set forth in the notice required by division (B) (1) of this section shall be a date no less than fourteen days nor more than twenty-one days from the date the ~~superintendent~~ director sends the notice by certified mail or initiates personal service of the notice.

(2) The ~~superintendent~~ director, for good cause shown on the written request of the pupil or the pupil's parent, guardian, or custodian, or on the ~~superintendent's~~ director's own motion, may grant reasonable continuances of any adjudication hearing held under this section but shall not grant either party total continuances in excess of ten days.

(3) If a pupil or the pupil's parent, guardian, or custodian does not appear at the adjudication hearing on a proposed permanent exclusion, the ~~superintendent~~ director or the referee appointed by the ~~superintendent~~ director shall proceed to conduct an adjudication hearing on the proposed permanent exclusion on the date for the adjudication hearing that is set forth in the notice provided pursuant to division (B) (1) of this section or on the date to which the hearing was continued pursuant to division (C) (2) of this section.

(D) (1) The ~~superintendent~~ director or a referee appointed by the ~~superintendent~~ director may conduct an adjudication hearing to determine whether to permanently exclude a pupil in one of the following counties:

(a) The county in which the ~~superintendent~~ director holds the ~~superintendent's~~ director's office;

(b) Upon the request of the pupil or the pupil's parent, guardian, custodian, or attorney, in the county in which the

board of education that forwarded the resolution requesting the 11283
permanent exclusion is located if the ~~superintendent~~ director, 11284
in the ~~superintendent's~~ director's discretion and upon 11285
consideration of evidence of hardship presented on behalf of the 11286
requesting pupil, determines that the hearing should be 11287
conducted in that county. 11288

(2) The ~~superintendent of public instruction~~ director or a 11289
referee appointed by the ~~superintendent~~ director shall conduct 11290
an adjudication hearing on a proposed permanent exclusion of a 11291
pupil. The referee may be an attorney admitted to the practice 11292
of law in this state but shall not be an attorney that 11293
represents the board of education that forwarded the resolution 11294
requesting the permanent exclusion. 11295

(3) The ~~superintendent~~ director or referee who conducts an 11296
adjudication hearing under this section may administer oaths, 11297
issue subpoenas to compel the attendance of witnesses and 11298
evidence, and enforce the subpoenas by a contempt proceeding in 11299
the court of common pleas as provided by law. The ~~superintendent~~ 11300
director or referee may require the separation of witnesses and 11301
may bar from the proceedings any person whose presence is not 11302
essential to the proceedings. 11303

(4) The ~~superintendent of public instruction~~ director 11304
shall request the department of rehabilitation and correction, 11305
the sheriff, the department of youth services, or any publicly 11306
funded out-of-home care entity that has legal custody of a pupil 11307
who is the subject of an adjudication hearing held pursuant to 11308
this section to transport the pupil to the place of the 11309
adjudication hearing at the time and date set for the hearing. 11310
The department, sheriff, or publicly funded out-of-home care 11311
entity that receives the request shall provide transportation 11312

for the pupil who is the subject of the adjudication hearing to 11313
the place of the hearing at the time and date set for the 11314
hearing. The department, sheriff, or entity shall pay the cost 11315
of transporting the pupil to and from the hearing. 11316

(E) (1) An adjudication hearing held pursuant to this 11317
section shall be adversary in nature, shall be conducted fairly 11318
and impartially, and may be conducted without the formalities of 11319
a criminal proceeding. A pupil whose permanent exclusion is 11320
being adjudicated has the right to be represented by counsel at 11321
the adjudication hearing. If the pupil has the financial 11322
capacity to retain counsel, the ~~superintendent~~ director or the 11323
referee is not required to provide counsel for the pupil. At the 11324
adjudication hearing, the pupil also has the right to cross- 11325
examine witnesses against the pupil, to testify, to present 11326
evidence and the testimony of witnesses on the pupil's behalf, 11327
and to raise factors in mitigation of the pupil's being 11328
permanently excluded. 11329

(2) In an adjudication hearing held pursuant to this 11330
section and section 3313.662 of the Revised Code, a 11331
representative of the school district of the board of education 11332
that adopted and forwarded the resolution requesting the 11333
permanent exclusion of the pupil shall present the case for 11334
permanent exclusion to the ~~superintendent~~ director or the 11335
referee. The representative of the school district may be an 11336
attorney admitted to the practice of law in this state. At the 11337
adjudication hearing, the representative of the school district 11338
shall present evidence in support of the requested permanent 11339
exclusion. The ~~superintendent~~ director or the ~~superintendent's~~ 11340
director's designee shall consider the entire school record of 11341
the pupil who is the subject of the adjudication and shall 11342
consider any of the following information that is available: 11343

- (a) The academic record of the pupil and a record of any extracurricular activities in which the pupil previously was involved; 11344
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- (b) The disciplinary record of the pupil and any available records of the pupil's prior behavioral problems other than the behavioral problems contained in the disciplinary record; 11347
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- (c) The social history of the pupil; 11350
- (d) The pupil's response to the imposition of prior discipline and sanctions imposed for behavioral problems; 11351
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- (e) Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion; 11353
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- (f) Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion; 11356
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- (g) Evidence regarding the probable danger posed to the health and safety of other pupils or of school employees by the continued presence of the pupil in a public school setting; 11358
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- (h) Evidence regarding the probable disruption of the teaching of any school district's graded course of study by the continued presence of the pupil in a public school setting; 11361
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- (i) Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the pupil to remain in a public school setting without posing a significant danger to the health and safety of other pupils or of school employees and without posing a threat of the disruption of the teaching of any district's graded course of study. 11364
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- (3) In any adjudication hearing conducted pursuant to this 11371

section and section 3313.662 of the Revised Code, a court order 11372
that proves the adjudication or conviction that is the basis for 11373
the resolution of the board of education seeking permanent 11374
exclusion is sufficient evidence to prove that the pupil 11375
committed a violation as specified in division (F)(1) of this 11376
section. 11377

(4) The ~~superintendent~~ director or the referee shall make 11378
or cause to be made a record of any adjudication hearing 11379
conducted pursuant to this section. 11380

(5) A referee who conducts an adjudication hearing 11381
pursuant to this section shall promptly report the referee's 11382
findings in writing to the ~~superintendent~~ director at the 11383
conclusion of the adjudication hearing. 11384

(F) If an adjudication hearing is conducted or a 11385
determination is made pursuant to this section and section 11386
3313.662 of the Revised Code, the ~~superintendent~~ director shall 11387
review and consider the evidence presented, the entire school 11388
record of the pupil, and any available information described in 11389
divisions (E)(2)(a) to (i) of this section and shall not enter 11390
an order of permanent exclusion unless the ~~superintendent~~ 11391
director or the ~~superintendent's~~ appointed referee finds, by a 11392
preponderance of the evidence, both of the following: 11393

(1) That the pupil was convicted of or adjudicated a 11394
delinquent child for committing a violation listed in division 11395
(A) of section 3313.662 of the Revised Code and that the 11396
violation was committed when the child was sixteen years of age 11397
or older; 11398

(2) That the pupil's continued attendance in the public 11399
school system may endanger the health and safety of other pupils 11400

or school employees. 11401

(G) (1) Within seven days after the conclusion of an 11402
adjudication hearing that is conducted pursuant to this section, 11403
the ~~superintendent of public instruction~~ director shall enter an 11404
order in relation to the permanent exclusion of the pupil who is 11405
the subject of the hearing or determination. 11406

(2) If the ~~superintendent~~ director or a referee makes the 11407
findings described in divisions (F) (1) and (2) of this section, 11408
the ~~superintendent~~ director shall issue a written order that 11409
permanently excludes the pupil from attending any of the public 11410
schools of this state and immediately shall send a written 11411
notice of the order to the board of education that forwarded the 11412
resolution, to the pupil who was the subject of the resolution, 11413
to that pupil's parent, guardian, or custodian, and to that 11414
pupil's attorney, that includes all of the following: 11415

(a) A copy of the order of permanent exclusion; 11416

(b) A statement informing the pupil and the pupil's 11417
parent, guardian, or custodian of the pupil's right to appeal 11418
the order of permanent exclusion pursuant to division (H) of 11419
this section and of the possible revocation of the permanent 11420
exclusion pursuant to division (I) of this section if a final 11421
judicial determination reverses the conviction or adjudication 11422
that was the basis for the permanent exclusion; 11423

(c) A statement informing the pupil and the pupil's 11424
parent, guardian, or custodian of the provisions of divisions 11425
(F), (G), and (H) of section 3313.662 of the Revised Code. 11426

(3) If the ~~superintendent~~ director or a referee does not 11427
make the findings described in divisions (F) (1) and (2) of this 11428
section, the ~~superintendent~~ director shall issue a written order 11429

that rejects the resolution of the board of education and 11430
immediately shall send written notice of that fact to the board 11431
of education that forwarded the resolution, to the pupil who was 11432
the subject of the proposed resolution, and to that pupil's 11433
parent, guardian, or custodian. 11434

(H) A pupil may appeal an order of permanent exclusion 11435
made by the ~~superintendent of public instruction~~ director 11436
pursuant to this section and section 3313.662 of the Revised 11437
Code to the court of common pleas of the county in which the 11438
board of education that forwarded the resolution requesting the 11439
permanent exclusion is located. The appeal shall be conducted in 11440
accordance with Chapter 2505. of the Revised Code. 11441

(I) If a final judicial determination reverses the 11442
conviction or adjudication that is the basis of a permanent 11443
exclusion ordered under this section, the ~~superintendent of~~ 11444
~~public instruction~~ director, upon receipt of a certified copy of 11445
an order reflecting that final determination from the pupil or 11446
that pupil's parent, guardian, custodian, or attorney, shall 11447
revoke the order of permanent exclusion. 11448

(J) As used in this section: 11449

(1) "Permanently exclude" and "permanent exclusion" have 11450
the same meanings as in section 3313.662 of the Revised Code. 11451

(2) "Out-of-home care" and "legal custody" have the same 11452
meanings as in section 2151.011 of the Revised Code. 11453

(3) "Certificate of high school equivalence" has the same 11454
meaning as in section 4109.06 of the Revised Code. 11455

Sec. 3301.13. (A) The department of education and 11456
workforce is hereby created. The department shall be headed by 11457
the director of education and workforce, who shall be appointed 11458

by the governor with the advice and consent of the senate. 11459

(B) The department consists of the following divisions: 11460

(1) The division of primary and secondary education, which 11461
shall be headed by a deputy director appointed by the director 11462
with the advice and consent of the senate; 11463

(2) The division of career-technical education, which 11464
shall be headed by a deputy director appointed by the director 11465
with the advice and consent of the senate. 11466

(C) All powers and duties regarding primary, secondary, 11467
special, and career-technical education granted to the state 11468
board, the state superintendent, or the former department of 11469
education, as prescribed by law in effect prior to the effective 11470
date of this section, except those prescribed for the state 11471
board of education as described in section 3301.111 of the 11472
Revised Code, are transferred to the director of education and 11473
workforce, who may delegate those duties and powers to the 11474
division of primary and secondary education or the division of 11475
career-technical education as the director determines 11476
appropriate. 11477

(D) The department of education and workforce is subject 11478
to all provisions of law pertaining to departments, offices, or 11479
institutions established for the exercise of any function of the 11480
state government and is subject to Chapter 119. of the Revised 11481
Code. The headquarters of the department of education and 11482
workforce is at the seat of government, where office space 11483
suitable and adequate for the work of the department shall be 11484
provided by the appropriate state agency. 11485

(E) (1) The director is responsible for administrative 11486
rules adopted by the department for the implementation of the 11487

powers and duties of the department. 11488

(2) In accordance with section 106.042 of the Revised Code, the general assembly, by adopting a concurrent resolution, may rescind or invalidate any rule adopted by the director under section 111.15 or Chapter 119. of the Revised Code. 11489
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(F) The director shall employ such personnel as the director determines necessary to carry out the duties and powers of the department of education and workforce. 11493
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(G) No individual shall hold the office of director of education and workforce, deputy director of primary and secondary education, or deputy director of career-technical education without being appointed with the advice and consent of the senate as described in this section, unless that individual is serving as director or deputy director on an interim basis. No individual shall serve as director or deputy director on an interim basis for more than forty-five days. 11496
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Sec. 3301.131. The department of education and workforce shall encourage, seek out, and publicize to the general public and the school districts of this state, innovative and exemplary school-parent and school-business partnerships. The board of education of a district involved in such a partnership shall cooperate with the department by providing information about the partnership. As used in this section: 11504
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(A) "School-parent partnership" means a program that actively involves parents of students in the decision-making process of the school district or individual schools within the district; 11511
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(B) "School-business partnership" means a program in this state in which businesses, labor organizations, associations, 11515
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foundations, or other persons, assist local schools in preparing 11517
children for employment or higher education, and may include 11518
programs involving work experience, mentoring, tutoring, 11519
incentive grants, or the use of corporate facilities and 11520
equipment. 11521

Sec. 3301.132. Beginning on the effective date of this 11522
section, neither the director nor the department of education 11523
and workforce shall prescribe or adopt any additional rules 11524
regarding home education or nonchartered nonpublic schools. 11525

Sec. 3301.133. As used in this section, "form" means any 11526
report, document, paper, computer software program, or other 11527
instrument used in the management information system created by 11528
section 3301.0714 of the Revised Code or used to gather required 11529
or requested education data under division (I) of section 11530
3301.07 of the Revised Code or any other provision of state or 11531
federal statute or rule. 11532

(A) The organization of the department of education and 11533
workforce shall include an identifiable organizational unit that 11534
deals with the management of any education data that the 11535
department gathers, processes, uses, or reports. The- 11536
~~superintendent of public instruction~~ director of education and 11537
workforce shall assign employees to this unit or employ persons 11538
for this unit who are trained and experienced in data management 11539
and the design of forms and who understand the data needs of the 11540
department ~~of education~~. The ~~superintendent~~ director shall 11541
provide a sufficient number of such employees for the unit to 11542
perform its duties in an effective and timely manner. 11543

(B) The unit established pursuant to division (A) of this 11544
section shall: 11545

(1) Review each new form or modification of any existing 11546
form that the ~~state board, the superintendent of public~~ 11547
~~instruction, or the~~ department of education proposes to put into 11548
use ~~on or after July 1, 1992~~. In conducting the review of any 11549
form, the unit shall evaluate it utilizing at least the criteria 11550
specified under division (C) of this section. The unit shall 11551
report in writing to the ~~superintendent of public instruction~~ 11552
director whether the form satisfies the criteria specified under 11553
division (C) of this section, and if not, the reasons why it 11554
does not. Each report shall include recommendations regarding 11555
the simplification, consolidation, or elimination of the 11556
proposed form or any other forms related to the proposed form 11557
that would enable all the criteria specified under division (C) 11558
of this section to be met. 11559

(2) Regularly contact and seek to work with other state 11560
and federal agencies that collect and use education data for the 11561
purpose of increasing the efficiency and coordination of data 11562
collection; 11563

(3) Perform any other duties assigned by the- 11564
~~superintendent of public instruction~~ director. 11565

(C) In conducting the review of any form pursuant to 11566
division (B)(1) of this section, the unit established under 11567
division (A) of this section shall determine whether the 11568
following criteria are satisfied: 11569

(1) Each data item on the form does not duplicate data 11570
already submitted to the ~~state board, superintendent of public~~ 11571
~~instruction, or~~ department of education. 11572

(2) The form cannot be consolidated with any other form 11573
required by the ~~state board, superintendent, or~~ department. 11574

(3) The form is required to be submitted no more often than necessary and no sooner than reasonably necessary prior to the date on which the data reported on the form will be initially used.

(4) The stated purpose of the form cannot be met as part of any other procedure, such as a verification or certification procedure or other reporting procedure.

(5) If the form or any data item on the form is attributed to any requirement of state statute, federal statute or rule, or any court, the form or data item is limited to the data that the statute, rule, or court requires.

(6) If the form or any data item on the form is attributed to the requirements of any research or of any process of auditing school districts for compliance with any requirement, the research is planned or currently taking place or the compliance is currently required.

(7) The form is designed in a way that minimizes the cost of completing it.

(8) The form includes instructions that clearly explain how to complete it, who will use the data reported on it, and whom to contact with questions about completing the form or the use of the data reported on it.

Sec. 3301.134. (A) In each fiscal year the department of education and workforce, in accordance with appropriations made by the general assembly, may issue awards of equal amounts up to fifteen thousand dollars to those fifty public schools that are determined by the department to have implemented in the immediately preceding fiscal year innovative and exemplary parental involvement programs that have enhanced parental

involvement in such schools according to criteria established by 11604
the department. 11605

(B) The department ~~of education~~ shall collect and retain 11606
information on the innovative and exemplary parental involvement 11607
programs of all schools that have received awards under division 11608
(A) of this section. In each fiscal year the department shall 11609
publicize to every school district a description of each of the 11610
innovative and exemplary parental involvement programs of the 11611
schools that have received awards in the immediately preceding 11612
fiscal year. 11613

(C) Any school that receives an award under division (A) 11614
of this section may expend the money on any lawful purpose. 11615

Sec. 3301.135. The department of education and workforce 11616
annually shall compile a list of organizations and companies 11617
that offer free and reduced cost epinephrine autoinjectors to 11618
qualifying school districts, other public schools, and chartered 11619
nonpublic schools. The department shall make this information 11620
readily available on their web site and send a copy of the list 11621
by mail or electronically to each school district, other public 11622
school, and chartered nonpublic school. 11623

As used in this section, "other public school" has the 11624
same meaning as in section 3301.0711 of the Revised Code. 11625

Sec. 3301.136. The department of education and workforce 11626
shall compile a list of tutoring programs that it considers to 11627
be of high quality and have the potential to accelerate learning 11628
for students in the areas of English language arts, mathematics, 11629
science, and social studies. For this purpose, the department 11630
shall request the qualifications of public and private entities 11631
that provide tutoring programs for students. The department 11632

shall establish a rubric to evaluate the programs and determine 11633
a minimum score for a tutoring program to be included on the 11634
department's list. 11635

In compiling the list, the department may designate 11636
individual tutoring programs as more appropriate for certain 11637
grade levels, populations of students, or subject areas. 11638

The department may establish multiple application periods 11639
in any school year for entities to submit their qualifications 11640
for consideration to be included on the list. However, the 11641
department shall post the initial list of tutoring programs on 11642
the department's web site not later than October 1, 2022. No 11643
school district or school shall be required to use a tutoring 11644
program on the list. 11645

Sec. 3301.14. ~~Each year the state board of education~~ The 11646
department of education and workforce shall require ~~a~~ an annual 11647
report of the president, manager, or principal of each seminary, 11648
academy, parochial, or private school. The report shall be made 11649
upon forms furnished by the ~~board~~ department and shall contain a 11650
statement of such facts as it requests. The president, manager, 11651
or principal shall complete and return such forms within a time 11652
fixed by the ~~state board of education~~ department. 11653

Sec. 3301.15. ~~The state board of education~~ department of 11654
education and workforce or its authorized representatives may 11655
inspect all institutions under the control of the department of 11656
job and family services, the department of mental health and 11657
addiction services, the department of developmental 11658
disabilities, and the department of rehabilitation and 11659
correction which employ teachers, and may make a report on the 11660
teaching, discipline, and school equipment in these institutions 11661
to the director of job and family services, the director of 11662

mental health and addiction services, the director of 11663
developmental disabilities, the director of rehabilitation and 11664
correction, and the governor. 11665

Sec. 3301.16. Pursuant to standards prescribed by the 11666
~~state board of education~~ director of education and workforce as 11667
provided in division (D) of section 3301.07 of the Revised Code, 11668
~~the state board~~ director shall classify and charter school 11669
districts and individual schools within each district except 11670
that no charter shall be granted to a nonpublic school unless 11671
the school complies with divisions (K) (1) and (L) of section 11672
3301.0711, as applicable, and sections 3301.164 and 3313.612 of 11673
the Revised Code. 11674

In the course of considering the charter of a new school 11675
district created under section 3311.26 or 3311.38 of the Revised 11676
Code, ~~the state board~~ director shall require the party proposing 11677
creation of the district to submit to the board a map, certified 11678
by the county auditor of the county in which the proposed new 11679
district is located, showing the boundaries of the proposed new 11680
district. In the case of a proposed new district located in more 11681
than one county, the map shall be certified by the county 11682
auditor of each county in which the proposed district is 11683
located. 11684

~~The state board~~ director shall revoke the charter of any 11685
school district or school which fails to meet the standards for 11686
elementary and high schools as prescribed by ~~the board~~ director. 11687
~~The state board~~ director shall also revoke the charter of any 11688
nonpublic school that does not comply with divisions (K) (1) and 11689
(L) of section 3301.0711, if applicable, and sections 3301.164 11690
and 3313.612 of the Revised Code. 11691

In the issuance and revocation of school district or 11692

school charters, the ~~state board~~ director shall be governed by 11693
the provisions of Chapter 119. of the Revised Code. 11694

No school district, or individual school operated by a 11695
school district, shall operate without a charter issued ~~by the~~ 11696
~~state board~~ under this section. 11697

In case a school district charter is revoked pursuant to 11698
this section, the state board of education may dissolve the 11699
school district and transfer its territory to one or more 11700
adjacent districts. An equitable division of the funds, 11701
property, and indebtedness of the school district shall be made 11702
by the state board among the receiving districts. The board of 11703
education of a receiving district shall accept such territory 11704
pursuant to the order of the state board. Prior to dissolving 11705
the school district, the state board shall notify the 11706
appropriate educational service center governing board and all 11707
adjacent school district boards of education of its intention to 11708
do so. Boards so notified may make recommendations to the state 11709
board regarding the proposed dissolution and subsequent transfer 11710
of territory. Except as provided in section 3301.161 of the 11711
Revised Code, the transfer ordered by the state board shall 11712
become effective on the date specified by the state board, but 11713
the date shall be at least thirty days following the date of 11714
issuance of the order. 11715

A high school is one of higher grade than an elementary 11716
school, in which instruction and training are given in 11717
accordance with sections 3301.07 and 3313.60 of the Revised Code 11718
and which also offers other subjects of study more advanced than 11719
those taught in the elementary schools and such other subjects 11720
as may be approved by the ~~state board of education~~ director. 11721

An elementary school is one in which instruction and 11722

training are given in accordance with sections 3301.07 and 11723
3313.60 of the Revised Code and which offers such other subjects 11724
as may be approved by the ~~state board of education~~ director. In 11725
districts wherein a junior high school is maintained, the 11726
elementary schools in that district may be considered to include 11727
only the work of the first six school years inclusive, plus the 11728
kindergarten year. 11729

Sec. 3301.162. (A) If the governing authority of a 11730
chartered nonpublic school intends to close the school, the 11731
governing authority shall notify all of the following of that 11732
intent prior to closing the school: 11733

(1) The department of education and workforce; 11734

(2) The school district that receives auxiliary services 11735
funding under division (E) of section 3317.024 of the Revised 11736
Code on behalf of the students enrolled in the school; 11737

(3) The accrediting association that most recently 11738
accredited the school for purposes of chartering the school in 11739
accordance with the rules of the ~~state board of education~~ 11740
department, if applicable; 11741

(4) If the school has been designated as a STEM school 11742
equivalent under section 3326.032 of the Revised Code, the STEM 11743
committee established under section 3326.02 of the Revised Code. 11744

The notice shall include the school year and, if possible, 11745
the actual date the school will close. 11746

(B) The chief administrator of each chartered nonpublic 11747
school that closes shall deposit the school's records with 11748
either: 11749

(1) The accrediting association that most recently 11750

accredited the school for purposes of chartering the school in 11751
accordance with the rules of the ~~state board~~ department, if 11752
applicable; 11753

(2) The school district that received auxiliary services 11754
funding under division (E) of section 3317.024 of the Revised 11755
Code on behalf of the students enrolled in the school. 11756

The school district that receives the records may charge 11757
for and receive a one-time reimbursement from auxiliary services 11758
funding under division (E) of section 3317.024 of the Revised 11759
Code for costs the district incurred to store the records. 11760

Sec. 3301.163. (A) ~~Beginning July 1, 2015, any~~ Any third- 11761
grade student who attends a chartered nonpublic school with a 11762
scholarship awarded under either the educational choice 11763
scholarship pilot program, prescribed in sections 3310.01 to 11764
3310.17, or the pilot project scholarship program prescribed in 11765
sections 3313.974 to 3313.979 of the Revised Code, shall be 11766
subject to the third-grade reading guarantee retention 11767
provisions under division (A) (2) of section 3313.608 of the 11768
Revised Code, including the exemptions prescribed by that 11769
division. For purposes of determining if a child with a 11770
disability is exempt from retention under this section, an 11771
individual services plan created for the child that has been 11772
reviewed by either the student's school district of residence or 11773
the school district in which the chartered nonpublic school is 11774
located and that specifies that the student is not subject to 11775
retention shall be considered in the same manner as an 11776
individualized education program or plan under section 504 of 11777
the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, 11778
as amended, as prescribed by division (A) (2) of section 3313.608 11779
of the Revised Code. 11780

As used in this section, "child with a disability" and 11781
"school district of residence" have the same meanings as in 11782
section 3323.01 of the Revised Code. 11783

(B) (1) Each chartered nonpublic school that enrolls 11784
students in any of grades kindergarten through three and that 11785
accepts students under the educational choice scholarship pilot 11786
program or the pilot project scholarship program shall adopt 11787
policies and procedures for the annual assessment of the reading 11788
skills of those students. Each school may use the diagnostic 11789
assessment to measure reading ability for the appropriate grade 11790
level prescribed in division (D) of section 3301.079 of the 11791
Revised Code. If the school uses such assessments, the 11792
department of education and workforce shall furnish them to the 11793
chartered nonpublic school. 11794

(2) For each student identified as having reading skills 11795
below grade level, the school shall do both of the following: 11796

(a) Provide to the student's parent or guardian, in 11797
writing, all of the following: 11798

(i) Notification that the student has been identified as 11799
having a substantial deficiency in reading; 11800

(ii) Notification that if the student attains a score in 11801
the range designated under division (A) (3) of section 3301.0710 11802
of the Revised Code on the assessment prescribed under that 11803
section to measure skill in English language arts expected at 11804
the end of third grade, the student shall be retained unless the 11805
student is exempt under division (A) (1) of section 3313.608 of 11806
the Revised Code. 11807

(b) Provide intensive reading instruction services, as 11808
determined appropriate by the school, to each student identified 11809

under this section. 11810

(C) Each chartered nonpublic school subject to this 11811
section annually shall report to the department the number of 11812
students identified as reading at grade level and the number of 11813
students identified as reading below grade level. 11814

Sec. 3301.18. The department of education and workforce 11815
shall: 11816

(A) Administer grants under section 3301.19 of the Revised 11817
Code in support of voluntary desegregation within school 11818
districts; 11819

(B) Provide technical assistance to school districts 11820
developing voluntary plans for desegregation or plans to reduce 11821
or eliminate racial isolation; 11822

(C) Develop desegregation plans as required by court order 11823
and provide technical assistance to school districts required to 11824
develop plans under court order; 11825

(D) Report to the general assembly annually on 11826
expenditures made by the state to reduce or eliminate racial 11827
isolation and enumerate anticipated expenses for desegregation 11828
resulting from court action or action taken by the federal 11829
government. 11830

Sec. 3301.19. The department of education and workforce 11831
shall administer a program to support school boards that 11832
voluntarily adopt and implement plans of student transfers to 11833
desegregate schools within their districts. To be eligible for 11834
such support, both of the following must apply: 11835

(A) The district must have a minority enrollment of 11836
between twenty-five and seventy-five per cent, according to the 11837

most recent racial and ethnic census of the district prepared by 11838
the department; 11839

(B) The school board must adopt and submit to the 11840
department, not later than the first day of October, a plan for 11841
reducing racial isolation through the transfer of not fewer than 11842
fifty students in the district. The plan must provide for any or 11843
all of the following: 11844

(1) The transfer of minority students from a school with 11845
greater than the average minority composition of the district to 11846
a school with less than the average minority composition of the 11847
district; 11848

(2) The transfer of majority students from a school with 11849
less than the average minority composition of the district to a 11850
school with more than the average minority composition of the 11851
district; 11852

(3) The transfer of minority or majority students to 11853
designated schools if the transfers cause the racial composition 11854
of the designated schools to more closely approximate the 11855
student racial composition of the entire district taken as a 11856
whole. 11857

~~The department of education~~ shall pay the school district 11858
an amount equal to four hundred dollars per student transferred, 11859
except that if all payments required to be made under this 11860
section during the fiscal year exceed the appropriation for the 11861
purpose, the payment to each school district shall be 11862
proportionately reduced. The school board may spend the amount 11863
received only on activities other than transportation that 11864
support the reduction of racial isolation. In the case of a 11865
transfer from a school that is being permanently closed or that 11866

results from a permanent change in the boundary of a school 11867
attendance zone, payment shall be made only for the initial year 11868
the transfer is made. In the case of any other kind of transfer, 11869
payment shall be made for each fiscal year the transfer occurs. 11870

Sec. 3301.22. ~~The state board of education department of~~ 11871
~~education and workforce~~ shall develop a model policy to prohibit 11872
harassment, intimidation, or bullying in order to assist school 11873
districts in developing their own policies under section 11874
3313.666 of the Revised Code. ~~The board shall issue the model-~~ 11875
~~policy within six months after the effective date of this-~~ 11876
~~section.~~ 11877

Sec. 3301.221. (A) As used in this section and section 11878
3313.60 of the Revised Code, "evidence-based" means a program or 11879
practice that does either of the following: 11880

(1) Demonstrates a rationale based on high-quality 11881
research findings or positive evaluation that such a program or 11882
practice is likely to improve relevant outcomes and includes 11883
ongoing efforts to examine the effects of the program or 11884
practice; 11885

(2) Has a statistically significant effect on relevant 11886
outcomes based on: 11887

(a) Strong evidence from at least one well-designed and 11888
well-implemented experimental study; 11889

(b) Moderate evidence from at least one well-designed and 11890
well-implemented quasi-experimental study; or 11891

(c) Promising evidence from at least one well-designed and 11892
well-implemented correlation study with statistical controls for 11893
selection bias. 11894

(B) The department of education and workforce, in 11895
consultation with the department of public safety and the 11896
department of mental health and addiction services, shall 11897
maintain a list of approved training programs, to be posted on 11898
the department of ~~education's~~ education and workforce's web 11899
site, for instruction in suicide awareness and prevention and 11900
violence prevention as prescribed under division (A) (5) (h) of 11901
section 3313.60 and division (D) of section 3319.073 of the 11902
Revised Code. The list of approved training programs shall 11903
include at least one option that is free or of no cost to 11904
schools. The approved training programs shall be evidence-based 11905
and include the following: 11906

(1) How to instruct school personnel to identify the signs 11907
and symptoms of depression, suicide, and self-harm in students; 11908

(2) How to instruct students to identify the signs and 11909
symptoms of depression, suicide, and self-harm in their peers; 11910

(3) How to identify appropriate mental health services 11911
within schools and within larger communities, and when and how 11912
to refer youth and their families to those services; 11913

(4) How to teach students about mental health and 11914
depression, warning signs of suicide, and the importance of and 11915
processes for seeking help on behalf of self and peers and 11916
reporting of these behaviors; 11917

(5) How to identify observable warning signs and signals 11918
of individuals who may be a threat to themselves or others; 11919

(6) The importance of taking threats seriously and seeking 11920
help; 11921

(7) How students can report dangerous, violent, 11922
threatening, harmful, or potentially harmful activity, including 11923

the use of the district's chosen anonymous reporting program. 11924

(C) The department of education and workforce, in 11925
consultation with the department of mental health and addiction 11926
services, shall maintain a list of approved training programs, 11927
to be posted on the department of ~~education's~~ education and 11928
workforce's web site, for instruction in social inclusion as 11929
prescribed by division (A) (5) (i) of section 3313.60 of the 11930
Revised Code. The list of approved training programs shall 11931
include at least one option that is free or of no cost to 11932
schools. The approved training programs shall be evidence-based 11933
and include the following: 11934

(1) What social isolation is and how to identify it in 11935
others; 11936

(2) What social inclusion is and the importance of 11937
establishing connections with peers; 11938

(3) When and how to seek help for peers who may be 11939
socially isolated; 11940

(4) How to utilize strategies for more social inclusion in 11941
classrooms and the school community. 11942

Sec. 3301.23. (A) ~~Not later than thirty days after the~~ 11943
~~effective date of this section, the~~ The department of education_ 11944
and workforce, in consultation with the chancellor of higher 11945
education, shall establish a committee to develop a state plan 11946
for computer science education for the purposes of primary and 11947
secondary education. 11948

(B) When developing the plan, the committee established 11949
under this section shall consider the following: 11950

(1) Best practices and challenges associated with the 11951

implementation of primary and secondary computer science curriculum in this state;	11952 11953
(2) Demographic data for students who receive instruction in computer science;	11954 11955
(3) Benchmarks to create a sustainable supply of teachers certified to provide instruction in computer science;	11956 11957
(4) Best practices to form public and private partnerships for funding, mentoring, and internships for teachers providing instruction in computer science;	11958 11959 11960
(5) Requiring all students to complete a computer science course prior to high school graduation;	11961 11962
(6) Establishing a work-based learning pilot program that includes high schools, universities, and local industry and permits the department and the chancellor to develop pathways to align computer science education in the state with the state's workforce needs;	11963 11964 11965 11966 11967
(7) Any other topic determined appropriate by the committee.	11968 11969
(C) The committee established under this section shall consist of all of the following:	11970 11971
(1) <u>The superintendent of public instruction</u> <u>director of education and workforce</u> , or designee;	11972 11973
(2) The chancellor, or designee;	11974
(3) Representatives of computer science education stakeholders appointed by the <u>state superintendent director</u> , in consultation with the chancellor. Computer science education stakeholders represented on the committee shall include all of	11975 11976 11977 11978

the following:	11979
(a) Career-technical education;	11980
(b) Teachers;	11981
(c) Institutions of higher education;	11982
(d) Businesses;	11983
(e) State and national computer science organizations.	11984
(D) Within the plan, the committee established under this	11985
section shall include all of the following:	11986
(1) An examination of the challenges that prevent school	11987
districts from offering computer science courses;	11988
(2) A requirement that the department of education collect	11989
any data regarding computer science courses offered by school	11990
districts and school buildings operated by school districts,	11991
including the names of the courses and whether the courses were	11992
developed using the standards and model curriculum adopted under	11993
division (A) (4) of section 3301.079 of the Revised Code, and	11994
post the collected data on its web site.	11995
(3) A requirement that the committee determine the best	11996
ways to compile data on computer science courses, teachers, and	11997
undergraduate students studying computer science in	11998
universities.	11999
(4) Any findings the committee determines appropriate	12000
based on its consideration of the topics described in division	12001
(B) of this section.	12002
(E) The committee shall complete the plan not later than	12003
one year after the effective date of this section September 30,	12004
<u>2022,</u> and the department shall post the completed plan in a	12005

prominent location on its web site. 12006

Sec. 3301.27. The department of education and workforce 12007
shall conduct research on the factors that improve education 12008
effectiveness in school districts and for this purpose may 12009
require school districts to administer tests in addition to 12010
those otherwise required by law, such as the national assessment 12011
of education progress. The department shall make the results of 12012
any research conducted under this section available to all 12013
school districts. 12014

Sec. 3301.28. (A) As used in this section: 12015

(1) "Coordinating service center" means the educational 12016
service center of central Ohio or its successor organization. 12017

(2) "Public school" means a school building operated by a 12018
school district or other public school, as defined in section 12019
3301.0711 of the Revised Code, or a building operated by an 12020
educational service center. 12021

(B) The ~~superintendent of public instruction~~ department of 12022
education and workforce shall establish a program to provide 12023
tutoring and remedial education services in reading and English 12024
language arts, mathematics, science, and social studies to 12025
students at public and chartered nonpublic schools that elect to 12026
participate in the program. Tutors shall not be considered 12027
employees of the public or chartered nonpublic school in which 12028
they provide tutoring services. Rather, the tutors shall be 12029
either employed or engaged as a volunteer by the coordinating 12030
service center. The coordinating service center shall be 12031
responsible for compensating each individual it employs as a 12032
tutor using funds transferred from the school at which the 12033
individual works as a tutor. The coordinating service center may 12034

coordinate placement of tutors with the sixteen regional 12035
educational service centers, selected under division (C) (4) of 12036
this section, and other service centers as determined necessary 12037
by the coordinating service center. 12038

Individuals who wish to participate in the program as 12039
tutors shall submit an application to the coordinating service 12040
center. ~~Not later than sixty days after the effective date of~~ 12041
~~this section, the~~ The coordinating service center shall 12042
establish application procedures for individuals who wish to 12043
participate in the program as tutors. 12044

To be eligible to participate as a tutor under the 12045
program, an individual shall be either of the following: 12046

(1) A retired teacher or substitute teacher, regardless of 12047
whether the teacher holds a valid educator license, certificate, 12048
or permit issued under Chapter 3319. or section 3301.071 of the 12049
Revised Code, provided that the teacher has not had an educator 12050
license, certificate, or permit denied, suspended, or revoked by 12051
the state board of education under section 3319.31 of the 12052
Revised Code or entered into a consent agreement pursuant to 12053
division (E) of section 3319.311 of the Revised Code; 12054

(2) An individual, not described in division (A) (1) of 12055
this section, who is determined to be eligible by the 12056
coordinating service center in accordance with standards 12057
established by the ~~state superintendent~~ department. 12058

(C) ~~The state superintendent~~ department, with assistance 12059
from participating educational service centers, and in 12060
consultation with public and chartered nonpublic schools, shall 12061
administer and implement the program as follows: 12062

(1) ~~Not later than sixty days after the effective date of~~ 12063

~~this section, the state superintendent~~ The department shall 12064
establish standards for determining the eligibility of tutors 12065
under division (B) (2) of this section. 12066

(2) ~~Not later than sixty days after the effective date of~~ 12067
~~this section, the~~ The coordinating service center, in 12068
consultation with the ~~state superintendent~~ department, shall 12069
create a training course for tutors described in division (B) of 12070
this section who do not hold valid educator licenses, 12071
certificates, or permits issued under Chapter 3319. or section 12072
3301.071 of the Revised Code. The coordinating service center 12073
and ~~state superintendent~~ department may establish additional 12074
training requirements for tutors who provide tutoring services 12075
to students with special needs or students with an 12076
individualized education program, as that term is defined in 12077
section 3323.01 of the Revised Code. In addition, the 12078
coordinating service center and ~~state superintendent~~ department 12079
may continue to provide training to tutors after their placement 12080
in schools. 12081

(3) The department ~~of education~~ shall serve as the fiscal 12082
agent for the program. The department shall provide for 12083
administrative and implementation costs, costs of developing the 12084
training course described in division (C) (2) of this section, 12085
and provide technical assistance at the request of the 12086
coordinating service center. 12087

The department shall not compensate tutors under the 12088
program. 12089

The ~~department~~ state board shall not charge any 12090
registration fee to individuals who wish to participate in the 12091
program as tutors. 12092

(4) Educational service centers from each educational regional service system described in section 3312.02 of the Revised Code may select one educational service center to administer the training program for their region in conjunction with the coordinating service center. The educational service center selected for each region may cooperate with individual educational service centers to implement the training program.

(5) Each educational service center may coordinate the placement of tutors at the participating public and chartered nonpublic schools within its service territory.

(6) The coordinating service center shall require an individual employed or engaged as a volunteer as a tutor under this section to apply for and receive a registration from the department.

As a condition of registration under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.39 or 3319.391 of the Revised Code, as appropriate. The individual shall request the criminal records check through the coordinating service center and shall submit the criminal records check to the ~~department of education~~ state board in a manner determined by the ~~department~~ state board. The ~~department~~ state board shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.

If the ~~department~~ state board receives notification of the arrest or conviction of an individual registered under division (C) (6) of this section, the ~~department~~ state board shall promptly notify the coordinating service center and may take any

action authorized under sections 3319.31 and 3319.311 of the Revised Code that the department considers appropriate. The ~~department~~ state board shall not accept the application of any individual under this section if the ~~department~~ state board learns that the individual has pleaded guilty to, has been found guilty by a jury or court of, or has been convicted of any of the offenses listed in division (C) of section 3319.31 of the Revised Code.

The department shall reimburse the coordinating service center for both of the following:

(a) Any costs incurred by the coordinating service center when assisting with the registration of tutors with the department;

(b) The cost of the criminal records check required under this section.

(7) Participation by public and chartered nonpublic schools is voluntary. Public and chartered nonpublic schools that wish to participate in the tutoring and remedial education program shall notify the coordinating service center of their intention to do so.

Each participating school shall have the ultimate authority over how best to incorporate tutors into the school setting, but such determinations shall be made in cooperation with the educational service center. Program activities may take place before, during, or after school as well as during breaks from school such as weekends, holidays, or summer vacation. Program activities may take place on an online platform or in person, including on school premises, at community-based youth development organizations, or in another public location the

school's governing body and educational service center determine 12152
to be appropriate. 12153

A participating school shall provide necessary materials, 12154
space, and equipment for tutors placed in the school. A 12155
participating school shall transfer funds to the coordinating 12156
service center to assist the service center in making payments 12157
to tutors placed in the school and paying the cost of other 12158
benefits for the tutors. ~~The state superintendent department,~~ in 12159
consultation with the chancellor of higher education, shall 12160
create a list of benefits which a participant may receive. 12161

Participating schools shall use their own funds to pay 12162
costs incurred from participating in the program. 12163

(D) Upon the completion of each of the 2022-2023, 2023- 12164
2024, and 2024-2025 school years, the department shall conduct a 12165
review of the program's effectiveness in providing tutoring and 12166
remedial education to students. Based on each of those reviews, 12167
the department shall issue a report of its findings. The report 12168
also shall include the number of participating public and 12169
chartered nonpublic schools, tutors, and students, as well as 12170
whether tutoring in a particular school was provided on an 12171
online platform or in-person. The department may request and 12172
collect data from public or chartered nonpublic schools and from 12173
educational service centers for the report. The department 12174
shall, in accordance with section 101.68 of the Revised Code, 12175
submit those reports to the general assembly, as follows: 12176

(1) The report for the 2022-2023 school year shall be 12177
submitted not later than September 30, 2023. 12178

(2) The report for the 2023-2024 school year shall be 12179
submitted not later than September 30, 2024. 12180

(3) The report for the 2024-2025 school year shall be submitted not later than September 30, 2025. 12181
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(E) Nothing in this section shall be construed as prohibiting a public or chartered nonpublic school from contracting or partnering with another entity to provide tutoring services to the school's students. 12183
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Sec. 3301.30. The department of education and workforce shall: 12187
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(A) Actively encourage, assist, and support boards of education in applying for moneys for programs for pre-school children of migrant agricultural laborers under Title I of the "Elementary and Secondary Education Act of 1965," 79 Stat. 27, 20 U.S.C.A. 236, as amended; 12189
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(B) Establish an official relationship with the Texas education agency and the Florida department of education to cooperate and exchange information with those states concerning education for children of migrant ~~agricultural~~ agricultural laborers, and coordinate its activities and services for such children with those states and any other states that provide education for such children; 12194
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(C) Take all necessary steps to compensate for the lack of continuity in instructional curriculum experienced by children of migrant agricultural laborers as a result of their parents' occupation by assuring that: 12201
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(1) Coordinated interstate and intrastate programs are provided at all levels, including coordinated programs leading to credit accrual; 12205
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(2) Parents are given information about the availability of interstate and intrastate programs. 12208
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(D) Take a more active role in encouraging boards of education to offer, in accordance with section 3313.641 of the Revised Code, alternative evening and tutorial programs for children of migrant agricultural laborers and their families during late spring, summer, and early fall.

Sec. 3301.311. (A) As used in this section, ~~"preschool":~~

(1) "Department of education" or "department" means the former department of education as it existed prior to the effective date of this amendment for all actions required under this section prior to that date, and means the department of education and workforce for all actions required under this section on or after to that date.

(2) "Preschool program" has the same meaning as in section 3301.52 of the Revised Code.

(B) Subject to divisions (C) and (D) of this section, beginning in fiscal year 2006, no preschool program, and no early childhood education program or early learning program as defined by the department of education shall receive any funds from the state unless fifty per cent of the staff members employed by that program as teachers are working toward an associate degree of a type approved by the department.

(C) (1) Subject to division (C) (2) of this section, beginning in fiscal year 2010, no preschool program, and no early childhood education program or early learning program as defined by the department, existing prior to fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.

(2) Beginning in fiscal year 2011, no preschool program,

and no early childhood education program or early learning 12239
program as defined by the department, existing prior to fiscal 12240
year 2007, shall receive any funds from the state unless fifty 12241
per cent of the staff members employed by the program as 12242
teachers have attained a bachelor's degree of a type approved by 12243
the department. 12244

(D) (1) Subject to division (D) (2) of this section, - 12245
beginning in fiscal year 2012, no preschool program, and no 12246
early childhood education program or early learning program as 12247
defined by the department, established during or after fiscal 12248
year 2007, shall receive any funds from the state unless every 12249
staff member employed by that program as a teacher has attained 12250
an associate degree of a type approved by the department. 12251

(2) Beginning in fiscal year 2013, no preschool program, 12252
and no early childhood education program or early learning 12253
program as defined by the department, established during or 12254
after fiscal year 2007, shall receive any funds from the state 12255
unless fifty per cent of the staff members employed by the 12256
program as teachers have attained a bachelor's degree of a type 12257
approved by the department. 12258

Sec. 3301.40. (A) As used in this section, "adult 12259
education" has the meaning as established under the "adult 12260
education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as 12261
amended. 12262

(B) ~~Beginning July 1, 1996, the~~ The department of 12263
education and workforce may distribute state funds to 12264
organizations that ~~quality qualify~~ for federal funds under the 12265
"Adult Education Act," 102 Stat. 302 (1988), 20 1201 to 1213d, 12266
as amended. The funds shall be used by qualifying organizations 12267
to provide adult education services. State funds distributed 12268

pursuant to this section shall be distributed in accordance with 12269
the rules adopted ~~by the state board of education pursuant to~~ 12270
under division (C) of this section. 12271

Each organization that receives funds under this section 12272
shall file program performance reports with the department. ~~The~~ 12273
~~reports shall be filed at times required by state board of~~ 12274
~~education rule and contain assessments,~~ shall include the 12275
following: 12276

(1) Assessments of individual students as they enter, 12277
progress through, and exit the adult education program; ~~records~~ 12278

(2) Records regarding individual student program 12279
participation time; ~~reports~~ 12280

(3) Reports of individual student retention rates; ~~and any~~ 12281

(4) Any other information required by rule. 12282

(C) ~~The state board of education~~ department shall adopt 12283
rules for the distribution of funds under this section. The 12284
rules shall include the following: 12285

(1) Requirements for program performance reports. 12286

(2) Indicators of adult education program quality, 12287
including indicators of learner achievement, program 12288
environment, program planning, curriculum and instruction, staff 12289
development, support services, and recruitment and retention. 12290

(3) A formula for the distribution of funds under this 12291
section. The formula shall include as a factor an organization's 12292
quantifiable success in meeting the indicators of program 12293
quality established pursuant to division (C) (2) of this section. 12294

(4) Standards and procedures for reducing or discontinuing 12295

funding to organizations that fail to meet the requirements of 12296
this section. 12297

(5) Any other requirements or standards considered 12298
appropriate by the board. 12299

Sec. 3301.45. (A) Not later than the thirtieth day of 12300
September of each year, the department of education and 12301
workforce shall distribute to all public high schools the 12302
information provided by the director of job and family services 12303
on the online education and career planning tool developed under 12304
section 6301.15 of the Revised Code. 12305

(B) Annually, the ~~department of education~~ shall survey 12306
high school administrators and guidance counselors regarding 12307
their use of the online planning tool and provide the results of 12308
the survey to the director of job and family services to support 12309
future refinements and improvements to the online planning tool. 12310

As used in this section, "public high school" means a 12311
school that serves students in any of grades nine through twelve 12312
and is operated by a school district or a community school 12313
established under Chapter 3314. of the Revised Code, a STEM 12314
school established under Chapter 3326. of the Revised Code, or a 12315
college-preparatory boarding school established under Chapter 12316
3328. of the Revised Code. 12317

Sec. 3301.49. Pursuant to paragraph A of Article III of 12318
the educational compact enacted in section 3301.48 of the 12319
Revised Code, there shall be seven members to the educational 12320
commission of the states who shall serve from this state, one of 12321
such members shall be the governor; one member shall be a member 12322
of the senate appointed by the president; one member shall be a 12323
member of the house of representatives appointed by the speaker 12324

of the house of representatives; and four members shall be 12325
appointed by and serve at the pleasure of the governor. Two of 12326
the members appointed by the governor shall be professional 12327
educators associated with either public or private educational 12328
systems and may be an officer of the state, any college or 12329
university in the state or any officer or administrator of any 12330
public school district. Two of the members appointed by the 12331
governor shall be ~~laymen~~ laypersons. 12332

The state shall pay the actual expenses of members of the 12333
Ohio commission while attending to any business of the 12334
commission. The governor shall appoint a ~~chairman~~ chairperson of 12335
the Ohio members of the educational commission of the states and 12336
such membership shall meet on the call of its ~~chairman~~ 12337
chairperson or at the request of a majority of its members. In 12338
any event, the membership shall meet not less often than three 12339
times annually. The membership may consider any and all matters 12340
relating to recommendations of the educational commission of the 12341
states and the activities of the members in representing this 12342
state thereon. 12343

Pursuant to paragraph (I) of Article III of the compact 12344
the educational commission of the states shall file a copy of 12345
its bylaws and any amendment thereto with the ~~superintendent of~~ 12346
public instruction director of education and workforce. 12347

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of 12348
the Revised Code: 12349

(A) "Preschool program" means either of the following: 12350

(1) A child care program for preschool children that is 12351
operated by a school district board of education or an eligible 12352
nonpublic school. 12353

(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school. 12354
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(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age. 12357
12358

(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code. 12359
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(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school. 12362
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(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. 12365
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(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children. 12369
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(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. 12372
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(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B) (7) of section 5104.02 of the Revised Code or chartered by the ~~state board of education~~ department of education and workforce for any combination of grades one through twelve, regardless of whether it also offers kindergarten. 12376
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(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.

(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.

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

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

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

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

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

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

(a) If the school offers any of grade levels four through twelve, either of the following:

(i) A grade of "C" or better for the overall value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code and for the performance index score under division (C) (1) (b) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for achievement under division (D) (3) (b) of section 3302.03 of the Revised Code and progress under division (D) (3) (c) of that section.

(b) If the school does not offer a grade level higher than three, either of the following:

(i) A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C) (1) (g) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for early literacy under division (D) (3) (e) of that section.

Sec. 3301.521. Sections 3301.53 to 3301.59 of the Revised Code do not apply to child care provided exclusively for participants of an adult education program that receives funds under the department of ~~education's~~ education and workforce's state plan for implementing the "Adult Education Act of 1966," 80 Stat. 1216, 20 U.S.C. 1201, as amended, or an adult education program operated under section 3313.52, 3313.531, 3313.641, or 3313.644 of the Revised Code, if the child care is provided on a part-time basis, is provided on the same premises as and during the hours of operation of the adult education program, and at least one parent, custodian, or guardian of each child is on the premises and readily accessible at all times.

Sec. 3301.53. (A) ~~The state board of education~~ director of education and workforce, in consultation with the director of

job and family services, shall formulate and prescribe by rule 12439
adopted under Chapter 119. of the Revised Code minimum standards 12440
to be applied to preschool programs operated by school district 12441
boards of education, county boards of developmental 12442
disabilities, community schools, or eligible nonpublic schools. 12443
The rules shall include the following: 12444

(1) Standards ensuring that the preschool program is 12445
located in a safe and convenient facility that accommodates the 12446
enrollment of the program, is of the quality to support the 12447
growth and development of the children according to the program 12448
objectives, and meets the requirements of section 3301.55 of the 12449
Revised Code; 12450

(2) Standards ensuring that supervision, discipline, and 12451
programs will be administered according to established 12452
objectives and procedures; 12453

(3) Standards ensuring that preschool staff members and 12454
nonteaching employees are recruited, employed, assigned, 12455
evaluated, and provided ~~in-service~~ in-service education without 12456
discrimination on the basis of age, color, national origin, 12457
race, or sex; and that preschool staff members and nonteaching 12458
employees are assigned responsibilities in accordance with 12459
written position descriptions commensurate with their training 12460
and experience; 12461

(4) A requirement that boards of education intending to 12462
establish a preschool program demonstrate a need for a preschool 12463
program prior to establishing the program; 12464

(5) Requirements that children participating in preschool 12465
programs have been immunized to the extent considered 12466
appropriate by the ~~state board~~ director of education and 12467

workforce to prevent the spread of communicable disease; 12468

(6) Requirements that the parents of preschool children 12469
complete the emergency medical authorization form specified in 12470
section 3313.712 of the Revised Code. 12471

(B) ~~The state board of education~~ director of education and 12472
workforce, in consultation with the director of job and family 12473
services, shall ensure that the rules adopted ~~by the state board~~ 12474
under sections 3301.52 to 3301.58 of the Revised Code are 12475
consistent with and meet or exceed the requirements of Chapter 12476
5104. of the Revised Code with regard to child day-care centers 12477
that serve preschool children. ~~The state board and the director~~ 12478
~~of job and family services~~ directors shall review all such rules 12479
at least once every five years. 12480

(C) ~~The state board of education~~ director of education and 12481
workforce, in consultation with the director of job and family 12482
services, shall adopt rules for school child programs that are 12483
consistent with and meet or exceed the requirements of the rules 12484
adopted for child day-care centers that serve school-age 12485
children under Chapter 5104. of the Revised Code. 12486

Sec. 3301.54. (A) (1) Each preschool program shall be 12487
directed and supervised by a director, a head teacher, an 12488
elementary principal, or a site administrator who is on site and 12489
responsible for supervision of the program. Except as otherwise 12490
provided in division (A) (2) or (3) of this section, this person 12491
shall hold a valid educator license designated as appropriate 12492
for teaching or being an administrator in a preschool setting 12493
issued pursuant to section 3319.22 of the Revised Code and have 12494
completed at least four courses in child development or early 12495
childhood education from an accredited college, university, or 12496
technical college. 12497

(2) If the person was employed prior to July 1, 1988, by a school district board of education or an eligible nonpublic school to direct a preschool program, the person shall be considered to meet the requirements of this section if the person holds a valid kindergarten-primary certificate described under former division (A) of section 3319.22 of the Revised Code as it existed on January 1, 1996.

(3) If the person is employed to direct a preschool program operated by an eligible, nontax-supported, nonpublic school, the person shall be considered to meet the requirements of this section if the person holds a valid teaching certificate issued in accordance with section 3301.071 of the Revised Code.

(B) Each preschool staff member shall be at least eighteen years of age and have a high school diploma or a certificate of high school equivalence issued by the department of education_ and workforce or a primary-secondary education or higher education agency of another state, except that a staff member may be less than eighteen years of age if the staff member is a graduate of a two-year vocational child-care training program approved by the ~~state board of education~~ department, or is a student enrolled in the second year of such a program that leads to high school graduation, provided that the student performs duties in the preschool program under the continuous supervision of an experienced preschool staff member and receives periodic supervision from the vocational child-care training program teacher-coordinator in the student's high school.

A preschool staff member shall annually complete fifteen hours of ~~in-service~~ in-service training in child development or early childhood education, child abuse recognition and prevention, and first aid, and in the prevention, recognition,

and management of communicable diseases, until a total of forty- 12528
five hours has been completed, unless the staff member holds an 12529
associate or higher degree in child development or early 12530
childhood education from an accredited college, university, or 12531
technical college, or any type of educator license designated as 12532
appropriate for teaching in an associate teaching position in a 12533
preschool setting issued by the state board of education 12534
pursuant to section 3319.22 of the Revised Code. 12535

Sec. 3301.541. (A) (1) The director, head teacher, 12536
elementary principal, or site administrator of a preschool 12537
program shall request the superintendent of the bureau of 12538
criminal identification and investigation to conduct a criminal 12539
records check with respect to any applicant who has applied to 12540
the preschool program for employment as a person responsible for 12541
the care, custody, or control of a child. If the applicant does 12542
not present proof that the applicant has been a resident of this 12543
state for the five-year period immediately prior to the date 12544
upon which the criminal records check is requested or does not 12545
provide evidence that within that five-year period the 12546
superintendent has requested information about the applicant 12547
from the federal bureau of investigation in a criminal records 12548
check, the director, head teacher, or elementary principal shall 12549
request that the superintendent obtain information from the 12550
federal bureau of investigation as a part of the criminal 12551
records check for the applicant. If the applicant presents proof 12552
that the applicant has been a resident of this state for that 12553
five-year period, the director, head teacher, or elementary 12554
principal may request that the superintendent include 12555
information from the federal bureau of investigation in the 12556
criminal records check. 12557

(2) Any director, head teacher, elementary principal, or 12558

site administrator required by division (A) (1) of this section 12559
to request a criminal records check shall provide to each 12560
applicant a copy of the form prescribed pursuant to division (C) 12561
(1) of section 109.572 of the Revised Code, provide to each 12562
applicant a standard impression sheet to obtain fingerprint 12563
impressions prescribed pursuant to division (C) (2) of section 12564
109.572 of the Revised Code, obtain the completed form and 12565
impression sheet from each applicant, and forward the completed 12566
form and impression sheet to the superintendent of the bureau of 12567
criminal identification and investigation at the time the person 12568
requests a criminal records check pursuant to division (A) (1) of 12569
this section. 12570

(3) Any applicant who receives pursuant to division (A) (2) 12571
of this section a copy of the form prescribed pursuant to 12572
division (C) (1) of section 109.572 of the Revised Code and a 12573
copy of an impression sheet prescribed pursuant to division (C) 12574
(2) of that section and who is requested to complete the form 12575
and provide a set of fingerprint impressions shall complete the 12576
form or provide all the information necessary to complete the 12577
form and provide the impression sheet with the impressions of 12578
the applicant's fingerprints. If an applicant, upon request, 12579
fails to provide the information necessary to complete the form 12580
or fails to provide impressions of the applicant's fingerprints, 12581
the preschool program shall not employ that applicant for any 12582
position for which a criminal records check is required by 12583
division (A) (1) of this section. 12584

(B) (1) Except as provided in rules adopted by the 12585
department of education and workforce in accordance with 12586
division (E) of this section, no preschool program shall employ 12587
a person as a person responsible for the care, custody, or 12588
control of a child if the person previously has been convicted 12589

of or pleaded guilty to any of the following: 12590

(a) A violation of section 2903.01, 2903.02, 2903.03, 12591
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 12592
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 12593
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 12594
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 12595
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 12596
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 12597
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 12598
section 2905.04 of the Revised Code as it existed prior to July 12599
1, 1996, a violation of section 2919.23 of the Revised Code that 12600
would have been a violation of section 2905.04 of the Revised 12601
Code as it existed prior to July 1, 1996, had the violation 12602
occurred prior to that date, a violation of section 2925.11 of 12603
the Revised Code that is not a minor drug possession offense, or 12604
felonious sexual penetration in violation of former section 12605
2907.12 of the Revised Code; 12606

(b) A violation of an existing or former law of this 12607
state, any other state, or the United States that is 12608
substantially equivalent to any of the offenses or violations 12609
described in division (B) (1) (a) of this section. 12610

(2) A preschool program may employ an applicant 12611
conditionally until the criminal records check required by this 12612
section is completed and the preschool program receives the 12613
results of the criminal records check. If the results of the 12614
criminal records check indicate that, pursuant to division (B) 12615
(1) of this section, the applicant does not qualify for 12616
employment, the preschool program shall release the applicant 12617
from employment. 12618

(C) (1) Each preschool program shall pay to the bureau of 12619

criminal identification and investigation the fee prescribed 12620
pursuant to division (C) (3) of section 109.572 of the Revised 12621
Code for each criminal records check conducted in accordance 12622
with that section upon the request pursuant to division (A) (1) 12623
of this section of the director, head teacher, elementary 12624
principal, or site administrator of the preschool program. 12625

(2) A preschool program may charge an applicant a fee for 12626
the costs it incurs in obtaining a criminal records check under 12627
this section. A fee charged under this division shall not exceed 12628
the amount of fees the preschool program pays under division (C) 12629
(1) of this section. If a fee is charged under this division, 12630
the preschool program shall notify the applicant at the time of 12631
the applicant's initial application for employment of the amount 12632
of the fee and that, unless the fee is paid, the applicant will 12633
not be considered for employment. 12634

(D) The report of any criminal records check conducted by 12635
the bureau of criminal identification and investigation in 12636
accordance with section 109.572 of the Revised Code and pursuant 12637
to a request under division (A) (1) of this section is not a 12638
public record for the purposes of section 149.43 of the Revised 12639
Code and shall not be made available to any person other than 12640
the applicant who is the subject of the criminal records check 12641
or the applicant's representative, the preschool program 12642
requesting the criminal records check or its representative, and 12643
any court, hearing officer, or other necessary individual in a 12644
case dealing with the denial of employment to the applicant. 12645

(E) The department of education and workforce shall adopt 12646
rules pursuant to Chapter 119. of the Revised Code to implement 12647
this section, including rules specifying circumstances under 12648
which a preschool program may hire a person who has been 12649

convicted of an offense listed in division (B)(1) of this section but who meets standards in regard to rehabilitation set by the department.

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code if the person comes under final consideration for appointment or employment as a precondition to employment for that position.

(G) As used in this section:

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a preschool program as a person responsible for the care, custody, or control of a child, except that "applicant" does not include a person already employed by a board of education, community school, or chartered nonpublic school in a position of care, custody, or control of a child who is under consideration for a different position with such board or school.

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

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

(H) If the board of education of a local school district adopts a resolution requesting the assistance of the educational service center in which the local district has territory in conducting criminal records checks of substitute teachers under

this section, the appointing or hiring officer of such 12679
educational service center governing board shall serve for 12680
purposes of this section as the appointing or hiring officer of 12681
the local board in the case of hiring substitute teachers for 12682
employment in the local district. 12683

Sec. 3301.55. (A) A school district, county board of 12684
developmental disabilities, community school, or eligible 12685
nonpublic school operating a preschool program shall house the 12686
program in buildings that meet the following requirements: 12687

(1) The building is operated by the district, county board 12688
of developmental disabilities, community school, or eligible 12689
nonpublic school and has been approved by the division of 12690
industrial compliance in the department of commerce or a 12691
certified municipal, township, or county building department for 12692
the purpose of operating a program for preschool children. Any 12693
such structure shall be constructed, equipped, repaired, 12694
altered, and maintained in accordance with applicable provisions 12695
of Chapters 3781. and 3791. and with rules adopted by the board 12696
of building standards under Chapter 3781. of the Revised Code 12697
for the safety and sanitation of structures erected for this 12698
purpose. 12699

(2) The building is in compliance with fire and safety 12700
laws and regulations as evidenced by reports of annual school 12701
fire and safety inspections as conducted by appropriate local 12702
authorities. 12703

(3) The school is in compliance with rules established by 12704
~~the state board~~ department of education and workforce regarding 12705
school food services. 12706

(4) The facility includes not less than thirty-five square 12707

feet of indoor space for each child in the program. Safe play 12708
space, including both indoor and outdoor play space, totaling 12709
not less than sixty square feet for each child using the space 12710
at any one time, shall be regularly available and scheduled for 12711
use. 12712

(5) First aid facilities and space for temporary placement 12713
or isolation of injured or ill children are provided. 12714

(B) Each school district, county board of developmental 12715
disabilities, community school, or eligible nonpublic school 12716
that operates, or proposes to operate, a preschool program shall 12717
submit to the department a building plan including all 12718
information specified by the ~~state board of education to the~~ 12719
~~board~~ department not later than the first day of September of 12720
the school year in which the program is to be initiated. The- 12721
~~board~~ department shall determine whether the buildings meet the 12722
requirements of this section and section 3301.53 of the Revised 12723
Code, ~~and notify the superintendent of its determination.~~ If the 12724
~~board~~ department determines, on the basis of the building plan 12725
or any other information, that the buildings do not meet those 12726
requirements, it shall ~~cause inspect~~ the buildings ~~to be~~ 12727
~~inspected by the department of education.~~ The department shall 12728
~~make submit~~ a report to the ~~superintendent~~ director of education 12729
and workforce specifying any aspects of the building that are 12730
not in compliance with the requirements of this section and 12731
section 3301.53 of the Revised Code and the time period that 12732
will be allowed the district, county board of developmental 12733
disabilities, or school to meet the requirements. 12734

Sec. 3301.56. (A) The director, head teacher, elementary 12735
principal, or site administrator who is on site and responsible 12736
for supervision of each preschool program shall be responsible 12737

for the following:	12738
(1) Ensuring that the health and safety of the children	12739
are safeguarded by an organized program of school health	12740
services designed to identify child health problems and to	12741
coordinate school and community health resources for children,	12742
as evidenced by but not limited to:	12743
(a) Requiring immunization and compliance with emergency	12744
medical authorization requirements in accordance with rules	12745
adopted by the state board <u>department of education and workforce</u>	12746
under section 3301.53 of the Revised Code;	12747
(b) Providing procedures for emergency situations,	12748
including fire drills, rapid dismissals, tornado drills, and	12749
school safety drills in accordance with section 3737.73 of the	12750
Revised Code, and keeping records of such drills or dismissals;	12751
(c) Posting emergency procedures in preschool rooms and	12752
making them available to school personnel, children, and	12753
parents;	12754
(d) Posting emergency numbers by each telephone;	12755
(e) Supervising grounds, play areas, and other facilities	12756
when scheduled for use by children;	12757
(f) Providing first-aid facilities and materials.	12758
(2) Maintaining cumulative records for each child;	12759
(3) Supervising each child's admission, placement, and	12760
withdrawal according to established procedures;	12761
(4) Preparing at least once annually for each group of	12762
children in the program a roster of names and telephone numbers	12763
of parents, guardians, and custodians of children in the group	12764

and, on request, furnishing the roster for each group to the parents, guardians, and custodians of children in that group. The director may prepare a similar roster of all children in the program and, on request, make it available to the parents, guardians, and custodians, of children in the program. The director shall not include in either roster the name or telephone number of any parent, guardian, or custodian who requests that the parent's, guardian's, or custodian's name or number not be included, and shall not furnish any roster to any person other than a parent, guardian, or custodian of a child in the program.

(5) Ensuring that clerical and custodial services are provided for the program;

(6) Supervising the instructional program and the daily operation of the program;

(7) Supervising and evaluating preschool staff members according to a planned sequence of observations and evaluation conferences, and supervising nonteaching employees.

(B) (1) In each program the maximum number of children per preschool staff member and the maximum group size by age category of children shall be as follows:

	1	2	3
A Age Group		Maximum Group Size	Staff Member/Child Ratio
B Birth to less than 12 months		12	1:5, or 2:12 if

two preschool
staff members are
in the room

C	12 months to less than 18 months	12	1:6
D	18 months to less than 30 months	14	1:7
E	30 months to less than 3 years	16	1:8
F	3-year-olds	24	1:12
G	4- and 5-year-olds not in school	28	1:14

(2) When age groups are combined, the maximum number of 12787
children per preschool staff member shall be determined by the 12788
age of the youngest child in the group, except that when no more 12789
than one child thirty months of age or older receives child care 12790
in a group in which all the other children are in the next older 12791
age group, the maximum number of children per child-care staff 12792
member and maximum group size requirements of the older age 12793
group established under division (B)(1) of this section shall 12794
apply. 12795

(3) In a room where children are napping, if all the 12796
children are at least eighteen months of age, the maximum number 12797
of children per preschool staff member shall, for a period not 12798
to exceed one and one-half hours in any twenty-four hour day, be 12799
twice the maximum number of children per preschool staff member 12800
established under division (B)(1) of this section if all the 12801
following criteria are met: 12802

(a) At least one preschool staff member is present in the 12803
room; 12804

(b) Sufficient preschool staff members are present on the 12805
preschool program premises to comply with division (B)(1) of 12806
this section; 12807

(c) Naptime preparations have been completed and the 12808
children are resting or napping. 12809

(4) Any accredited program that uses the Montessori method 12810
endorsed by the American Montessori society or the association 12811
Montessori internationale as its primary method of instruction 12812
and is licensed as a preschool program under section 3301.58 of 12813
the Revised Code may combine preschool children of ages three to 12814
five years old with children enrolled in kindergarten. 12815
Notwithstanding anything to the contrary in division (B)(2) of 12816
this section, when such age groups are combined, the maximum 12817
number of children per preschool staff member shall be twelve 12818
and the maximum group size shall be twenty-four children. 12819

(C) In each building in which a preschool program is 12820
operated there shall be on the premises, and readily available 12821
at all times, at least one employee who has completed a course 12822
in first aid and in the prevention, recognition, and management 12823
of communicable diseases which is approved by the state 12824
department of health, and an employee who has completed a course 12825
in child abuse recognition and prevention. 12826

(D) Any parent, guardian, or custodian of a child enrolled 12827
in a preschool program shall be permitted unlimited access to 12828
the school during its hours of operation to contact the 12829
parent's, guardian's, or custodian's child, evaluate the care 12830
provided by the program, or evaluate the premises, or for other 12831
purposes approved by the director. Upon entering the premises, 12832
the parent, guardian, or custodian shall report to the school 12833
office. 12834

Sec. 3301.57. (A) For the purpose of improving programs, 12835
facilities, and implementation of the standards promulgated ~~by~~ 12836
~~the state board of education~~ under section 3301.53 of the 12837
Revised Code, the ~~state~~ department of education and workforce 12838
shall provide consultation and technical assistance to school 12839
districts, county boards of developmental disabilities, 12840
community schools, and eligible nonpublic schools operating 12841
preschool programs or school child programs, and ~~inservice~~ in- 12842
service training to preschool staff members, school child 12843
program staff members, and nonteaching employees. 12844

(B) The department and the school district board of 12845
education, county board of developmental disabilities, community 12846
school, or eligible nonpublic school shall jointly monitor each 12847
preschool program and each school child program. 12848

If the program receives any grant or other funding from 12849
the state or federal government, the department annually shall 12850
monitor all reports on attendance, financial support, and 12851
expenditures according to provisions for use of the funds. 12852

(C) The department ~~of education~~, at least once during 12853
every twelve-month period of operation of a preschool program or 12854
a licensed school child program, shall inspect the program and 12855
provide a written inspection report to the superintendent of the 12856
school district, county board of developmental disabilities, 12857
community school, or eligible nonpublic school. The department 12858
may inspect any program more than once, as considered necessary 12859
by the department, during any twelve-month period of operation. 12860
All inspections may be unannounced. No person shall interfere 12861
with any inspection conducted pursuant to this division or to 12862
the rules adopted pursuant to sections 3301.52 to 3301.59 of the 12863
Revised Code. 12864

Upon receipt of any complaint that a preschool program or
a licensed school child program is out of compliance with the
requirements in sections 3301.52 to 3301.59 of the Revised Code
or the rules adopted under those sections, the department shall
investigate and may inspect the program.

(D) If a preschool program or a licensed school child
program is determined to be out of compliance with the
requirements of sections 3301.52 to 3301.59 of the Revised Code
or the rules adopted under those sections, the department ~~of~~
~~education~~ shall notify the appropriate superintendent, county
board of developmental disabilities, community school, or
eligible nonpublic school in writing regarding the nature of the
violation, what must be done to correct the violation, and by
what date the correction must be made. If the correction is not
made by the date established by the department, it may commence
action under Chapter 119. of the Revised Code to close the
program or to revoke the license of the program. If a program
does not comply with an order to cease operation issued in
accordance with Chapter 119. of the Revised Code, the department
shall notify the attorney general, the prosecuting attorney of
the county in which the program is located, or the city
attorney, village solicitor, or other chief legal officer of the
municipal corporation in which the program is located that the
program is operating in violation of sections 3301.52 to 3301.59
of the Revised Code or the rules adopted under those sections
and in violation of an order to cease operation issued in
accordance with Chapter 119. of the Revised Code. Upon receipt
of the notification, the attorney general, prosecuting attorney,
city attorney, village solicitor, or other chief legal officer
shall file a complaint in the court of common pleas of the
county in which the program is located requesting the court to

issue an order enjoining the program from operating. The court 12896
shall grant the requested injunctive relief upon a showing that 12897
the program named in the complaint is operating in violation of 12898
sections 3301.52 to 3301.59 of the Revised Code or the rules 12899
adopted under those sections and in violation of an order to 12900
cease operation issued in accordance with Chapter 119. of the 12901
Revised Code. 12902

(E) The department ~~of education~~ shall prepare an annual 12903
report on inspections conducted under this section. The report 12904
shall include the number of inspections conducted, the number 12905
and types of violations found, and the steps taken to address 12906
the violations. The department shall file the report with the 12907
governor, the president and minority leader of the senate, and 12908
the speaker and minority leader of the house of representatives 12909
on or before the first day of January of each year, ~~beginning in~~ 12910
~~1999~~. 12911

Sec. 3301.58. (A) The department of education and 12912
workforce is responsible for the licensing of preschool programs 12913
and school child programs and for the enforcement of sections 12914
3301.52 to 3301.59 of the Revised Code and of any rules adopted 12915
under those sections. No school district board of education, 12916
county board of developmental disabilities, community school, or 12917
eligible nonpublic school shall operate, establish, manage, 12918
conduct, or maintain a preschool program without a license 12919
issued under this section. A school district board of education, 12920
county board of developmental disabilities, community school, or 12921
eligible nonpublic school may obtain a license under this 12922
section for a school child program. The school district board of 12923
education, county board of developmental disabilities, community 12924
school, or eligible nonpublic school shall post the license for 12925
each preschool program and licensed school child program it 12926

operates, establishes, manages, conducts, or maintains in a 12927
conspicuous place in the preschool program or licensed school 12928
child program that is accessible to parents, custodians, or 12929
guardians and employees and staff members of the program at all 12930
times when the program is in operation. 12931

(B) Any school district board of education, county board 12932
of developmental disabilities, community school, or eligible 12933
nonpublic school that desires to operate, establish, manage, 12934
conduct, or maintain a preschool program shall apply to the 12935
~~department of education~~ for a license on a form that the 12936
department shall prescribe by rule. Any school district board of 12937
education, county board of developmental disabilities, community 12938
school, or eligible nonpublic school that desires to obtain a 12939
license for a school child program shall apply to the department 12940
for a license on a form that the department shall prescribe by 12941
rule. The department shall provide at no charge to each 12942
applicant for a license under this section a copy of the 12943
requirements under sections 3301.52 to 3301.59 of the Revised 12944
Code and any rules adopted under those sections. The department 12945
may establish application fees by rule adopted under Chapter 12946
119. of the Revised Code, and all applicants for a license shall 12947
pay any fee established by the department at the time of making 12948
an application for a license. All fees collected pursuant to 12949
this section shall be paid into the state treasury to the credit 12950
of the general revenue fund. 12951

(C) Upon the filing of an application for a license, the 12952
~~department of education~~ shall investigate and inspect the 12953
preschool program or school child program to determine the 12954
license capacity for each age category of children of the 12955
program and to determine whether the program complies with 12956
sections 3301.52 to 3301.59 of the Revised Code and any rules 12957

adopted under those sections. When, after investigation and 12958
inspection, the department-of-education is satisfied that 12959
sections 3301.52 to 3301.59 of the Revised Code and any rules 12960
adopted under those sections are complied with by the applicant, 12961
the department-of-education shall issue the program a 12962
provisional license as soon as practicable in the form and 12963
manner prescribed by the rules of the department. The 12964
provisional license shall be valid for one year from the date of 12965
issuance unless revoked. 12966

(D) The department-of-education shall investigate and 12967
inspect a preschool program or school child program that has 12968
been issued a provisional license at least once during operation 12969
under the provisional license. If, after the investigation and 12970
inspection, the department-of-education determines that the 12971
requirements of sections 3301.52 to 3301.59 of the Revised Code 12972
and any rules adopted under those sections are met by the 12973
provisional licensee, the department-of-education shall issue 12974
the program a license. The license shall remain valid unless 12975
revoked or the program ceases operations. 12976

(E) The department-of-education annually shall investigate 12977
and inspect each preschool program or school child program 12978
licensed under division (D) of this section to determine if the 12979
requirements of sections 3301.52 to 3301.59 of the Revised Code 12980
and any rules adopted under those sections are met by the 12981
program, and shall notify the program of the results. 12982

(F) The license or provisional license shall state the 12983
name of the school district board of education, county board of 12984
developmental disabilities, community school, or eligible 12985
nonpublic school that operates the preschool program or school 12986
child program and the license capacity of the program. 12987

(G) The department ~~of education~~ may revoke the license of 12988
any preschool program or school child program that is not in 12989
compliance with the requirements of sections 3301.52 to 3301.59 12990
of the Revised Code and any rules adopted under those sections. 12991

(H) If the department ~~of education~~ revokes a license, the 12992
department shall not issue a license to the program within two 12993
years from the date of the revocation. All actions of the 12994
department with respect to licensing preschool programs and 12995
school child programs shall be in accordance with Chapter 119. 12996
of the Revised Code. 12997

Sec. 3301.59. ~~(A)~~ No school child program may receive any 12998
state or federal funds specifically allocated for school child 12999
programs unless the school child program is licensed by the 13000
department of education and workforce pursuant to sections 13001
3301.52 to 3301.59 of the Revised Code or by the department of 13002
job and family services pursuant to Chapter 5104. of the Revised 13003
Code. 13004

~~(B) If an eligible nonpublic school is operating,~~ 13005
~~managing, conducting, or maintaining a preschool program or~~ 13006
~~school child program on July 22, 1991, and if the eligible~~ 13007
~~nonpublic school previously obtained a license for the program~~ 13008
~~from the department of job and family services pursuant to~~ 13009
~~Chapter 5104. of the Revised Code, the eligible nonpublic school~~ 13010
~~shall do one of the following:~~ 13011

~~(1) On or before the expiration date of the license, apply~~ 13012
~~pursuant to Chapter 5104. of the Revised Code to the department~~ 13013
~~of job and family services for a renewal of the license;~~ 13014

~~(2) On or before the expiration date of the license, apply~~ 13015
~~pursuant to sections 3301.52 to 3301.59 of the Revised Code to~~ 13016

~~the department of education for a license for the program;~~ 13017

~~(3) If the program is a preschool program, cease to~~ 13018
~~operate, manage, conduct, or maintain the program;~~ 13019

~~(4) If the program is a school child program, not accept~~ 13020
~~any state or federal funds specifically allocated for school~~ 13021
~~child programs and not accept any state or federal funds for~~ 13022
~~publicly funded child care pursuant to Chapter 5104. of the~~ 13023
~~Revised Code.~~ 13024

~~(C) If an eligible nonpublic school is operating,~~ 13025
~~managing, conducting, or maintaining a preschool program or~~ 13026
~~school child program on July 22, 1991, and if the eligible~~ 13027
~~nonpublic school previously has not obtained a license for the~~ 13028
~~program from the department of job and family services pursuant~~ 13029
~~to Chapter 5104. of the Revised Code, the eligible nonpublic~~ 13030
~~school shall do one of the following:~~ 13031

~~(1) On July 22, 1991, apply pursuant to Chapter 5104. of~~ 13032
~~the Revised Code to the department of job and family services~~ 13033
~~for a license for the program;~~ 13034

~~(2) On July 22, 1991, apply pursuant to sections 3301.52~~ 13035
~~to 3301.59 of the Revised Code to the department of education~~ 13036
~~for a license for the program;~~ 13037

~~(3) If the program is a preschool program, cease to~~ 13038
~~operate, manage, conduct, or maintain the program;~~ 13039

~~(4) If the program is a school child program, not accept~~ 13040
~~any state or federal funds specifically allocated for school~~ 13041
~~child programs and not accept any state or federal funds for~~ 13042
~~publicly funded child care pursuant to Chapter 5104. of the~~ 13043
~~Revised Code.~~ 13044

~~(D) (1) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school-child program elects pursuant to division (B) (1) of this section to renew a license for the program that was issued by the department of job and family services or elects pursuant to division (C) (1) of this section to apply to the department of job and family services for a license for the program, that preschool program or school child program is subject to Chapter 5104. of the Revised Code and to licensure under that chapter until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.~~ 13045
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~~(2) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school-child program elects pursuant to division (B) (2) or (C) (2) of this section to apply to the department of education for a license for the program, that preschool program or school child-program is subject to sections 3301.52 to 3301.59 of the Revised Code and to licensure under those sections until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.~~ 13056
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~~(E) Not later than July 22, 1992, the departments of job and family services and education shall each prepare a list of the preschool programs and school child programs that are licensed by the respective departments.~~ 13065
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Sec. 3301.61. (A) The state council on educational opportunity for military children is hereby established within the department of education and workforce. The council shall consist of the following members: 13069
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(1) The superintendent of public instruction director of education and workforce or the superintendent's director's 13073
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designee;	13075
(2) The director of veterans services or the director's designee;	13076 13077
(3) The superintendent of a school district that has a high concentration of children of military families, appointed by the governor;	13078 13079 13080
(4) A representative of a military installation located in this state, appointed by the governor;	13081 13082
(5) A representative of the governor's office, appointed by the governor;	13083 13084
(6) Four members of the general assembly, appointed as follows:	13085 13086
(a) One member of the house of representatives appointed by the speaker of the house of representatives;	13087 13088
(b) One member of the house of representatives appointed by the minority leader of the house of representatives;	13089 13090
(c) One member of the senate appointed by the president of the senate;	13091 13092
(d) One member of the senate appointed by the minority leader of the senate.	13093 13094
(7) The compact commissioner appointed under section 3301.62 of the Revised Code;	13095 13096
(8) The military family education liaison appointed under section 3301.63 of the Revised Code;	13097 13098
(9) Other members appointed in the manner prescribed by and seated at the discretion of the voting members of the council.	13099 13100 13101

The members of the council shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the manner of the initial appointments.

The members appointed under divisions (A) (6) to (9) of this section shall be nonvoting members of the council.

The members of the council shall serve without compensation.

(B) The council shall oversee and provide coordination for the state's participation in and compliance with the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code.

(C) The department of education and workforce shall provide staff support for the council.

(D) Sections 101.82 to 101.87 of the Revised Code do not apply to the council.

(E) As used in this section, "children of military families" and "military installation" have the same meanings as in Article II of the interstate compact on educational opportunity for military children.

Sec. 3301.62. The governor shall appoint a compact commissioner who shall be responsible for administering the state's participation in the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code. The compact commissioner shall be a state officer within the department of education and workforce and shall serve at the pleasure of the governor.

Sec. 3301.63. The state council on educational opportunity for military children, established under section 3301.61 of the

Revised Code, shall appoint a military family education liaison 13130
to assist families and the state in implementing the interstate 13131
compact on educational opportunity for military children, as 13132
ratified by section 3301.60 of the Revised Code. The department 13133
of education and workforce shall provide staff support for the 13134
military family education liaison. 13135

Sec. 3301.64. The annual assessment charged to the state 13136
for participating in the interstate compact on educational 13137
opportunity for military children shall be divided equally 13138
between the department of education and workforce and the 13139
department of veterans services. 13140

Sec. 3301.68. (A) The department of education and 13141
workforce shall establish a consolidated school mandate report 13142
for school districts. The report shall be distributed and 13143
monitored by the department. Each district or school shall 13144
complete and file the report not later than the thirtieth day of 13145
November each year. The report shall require each district or 13146
school to denote "yes" to indicate compliance or "no" to 13147
indicate noncompliance with the items prescribed under division 13148
(B) of this section, and to provide any other information that 13149
the department requests regarding those items. If a district or 13150
school denotes "no" on any item, it shall provide, within thirty 13151
days, to its board of education a written explanation for why 13152
that item was not completed and a written plan of action for 13153
accurately and efficiently addressing the problem. 13154

(B) The report shall contain the following items: 13155

(1) Training on the use of physical restraint or seclusion 13156
on students pursuant to section 3319.46 of the Revised Code; 13157

(2) Training on harassment, intimidation, or bullying 13158

pursuant to sections 3313.666, 3313.667, and 3319.073 of the Revised Code;	13159 13160
(3) Training on the use of cardiopulmonary resuscitation and an automated external defibrillator under sections 3313.60, 3313.6023, 3313.717, and 3314.16 of the Revised Code;	13161 13162 13163
(4) The reporting of a district's or school's compliance with nutritional standards prescribed under section 3313.814 of the Revised Code;	13164 13165 13166
(5) Screening of pupils for hearing, vision, speech and communications, and health or medical problems and for any developmental disorders pursuant to section 3313.673 of the Revised Code;	13167 13168 13169 13170
(6) Compliance with intradistrict and interdistrict open enrollment provisions in sections 3313.97 and 3313.98 of the Revised Code.	13171 13172 13173
(C) Except as provided in division (D) of section 3313.814 of the Revised Code, the department shall not require a separate report for any of the items listed in division (B) of this section.	13174 13175 13176 13177
Sec. 3301.70. (A) The state board <u>department</u> of education <u>and workforce</u> is the designated state agency responsible for the coordination and administration of sections 110 to 118 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 12401 to 12431, as amended. With the assistance of the Ohio commission on service and volunteerism created in section 121.40 of the Revised Code, the state board <u>department</u> shall coordinate with other state agencies to apply for funding under the act when appropriate.	13178 13179 13180 13181 13182 13183 13184 13185 13186
(B) With the assistance of the Ohio commission on service	13187

and volunteerism, the ~~state board of education department~~ shall 13188
develop a plan to assist school districts in the implementation 13189
of section 3313.605 of the Revised Code and other community 13190
service activities of school districts. The ~~state board-~~ 13191
department shall encourage the development of school district 13192
programs meeting the requirements for funding under the National 13193
and Community Service Act of 1990. The plan shall include the 13194
investigation of funding from all available sources for school 13195
community service education programs, including funds available 13196
under the National and Community Service Act of 1990, and the 13197
provision of technical assistance to school districts for the 13198
implementation of community service education programs. The plan 13199
shall also provide for technical assistance to be given to 13200
school boards to assist in obtaining funds for community service 13201
education programs from any source. 13202

(C) With the assistance of the Ohio commission on service 13203
and volunteerism, the ~~state board of education department~~ shall 13204
do all of the following: 13205

(1) Disseminate information about school district 13206
community service education programs to other school districts 13207
and to statewide organizations involved with or promoting 13208
volunteerism; 13209

(2) Recruit additional school districts to develop 13210
community service education programs; 13211

(3) Identify or develop model community service programs, 13212
teacher training courses, and community service curricula and 13213
teaching materials for possible use by school districts in their 13214
programs. 13215

Sec. 3301.80. (A) The department of education and 13216

workforce shall award a certificate of high school equivalence 13217
to each person who achieves the equivalent of a high school 13218
education, as measured by scores obtained on a high school 13219
equivalency test approved by the department pursuant to division 13220
(B) of this section. Each certificate awarded under this section 13221
shall be signed by the ~~superintendent of public instruction and~~ 13222
~~the president of the state board~~ director of education and 13223
workforce. 13224

Notwithstanding anything to the contrary in the Revised 13225
Code, a person who seeks to obtain a certificate of high school 13226
equivalence shall be subject to the requirements of section 13227
3301.81 of the Revised Code. 13228

(B) The department shall approve at least two nationally 13229
recognized high school equivalency tests for the purpose of 13230
awarding certificates of high school equivalence under this 13231
section. For each test approved pursuant to division (B) of this 13232
section, the department shall ensure that the scores required 13233
for passage are equivalent to the scores required for passage on 13234
the other approved equivalency tests. 13235

(C) All of the following shall be considered the 13236
equivalent of a certificate of high school equivalence awarded 13237
by the department under this section: 13238

(1) A high school equivalence diploma or a certificate of 13239
high school equivalence awarded by the state board of education 13240
prior to ~~the effective date of this section~~ September 14, 2016; 13241

(2) A certificate of high school equivalence issued prior 13242
to January 1, 1994, attesting to the achievement of the 13243
equivalent of a high school education as measured by scores 13244
obtained on tests of general educational development; 13245

(3) A statement issued by a primary-secondary education or higher education agency of another state that indicates that its holder has achieved the equivalent of a high school education as measured by scores obtained on a similar nationally recognized high school equivalency test.

(D) ~~The state board~~ department, in consultation with the chancellor of higher education, shall adopt rules to administer this section and section 3301.81 of the Revised Code.

Sec. 3301.81. (A) A person who meets all of the following criteria shall be permitted to take a high school equivalency test approved by the department of education and workforce pursuant to division (B) of section 3301.80 of the Revised Code:

(1) The person is at least eighteen years of age.

(2) The person is officially withdrawn from school.

(3) The person has not received a high school diploma or honors diploma awarded under section 3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code.

(B) A person who is at least sixteen years of age but less than eighteen years of age may apply to the department to take an approved equivalency test, so long as the person meets all of the following criteria:

(1) The person has not received a high school diploma or honors diploma awarded under section 3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code.

(2) The person is officially withdrawn from school.

(3) The person submits, along with the application, written approval from the person's parent or guardian or a court official.

(C) For the purpose of calculating graduation rates for the school district and building report cards under section 3302.03 of the Revised Code, the department shall count any person who officially withdraws from school to take an approved equivalency test under this section as a dropout from the district or school in which the person was last enrolled.

(D) If a person takes an approved equivalency test and fails to attain the scores required to earn a certificate of high school equivalence, as defined in section 5107.40 of the Revised Code, on the entire battery of tests, that person shall be required to retake only the specific test on which the person did not attain a passing score in order to earn a certificate of high school equivalence. If a person retakes a specific test, that person shall be responsible only for the cost of that test and not for the cost of the entire battery of tests, unless that person is retaking the entire battery.

Sec. 3301.923. The department of education and workforce shall establish a clearinghouse of best practices that schools may use to promote student health. The department shall update the clearinghouse as necessary.

Sec. 3301.94. ~~Upon approval of the state board of education, the superintendent of public instruction and the chancellor of the Ohio board of regents~~ The department of education and workforce and the chancellor of higher education may enter into a memorandum of understanding under which the department ~~of education~~, on behalf of the chancellor, will receive and maintain copies of data records containing student information reported to the chancellor for the purpose of combining those records with the data reported to the education management information system, established under section

3301.0714 of the Revised Code, to establish an education data repository that may be used to conduct longitudinal research and evaluation. The memorandum of understanding shall specify the following:

(A) That, prior to establishing the repository, the ~~superintendent~~ department and chancellor shall develop a strategic plan for the repository that outlines the goals to be achieved from its implementation and use. A copy of the strategic plan shall be provided to the governor, the president of the senate, and the speaker of the house of representatives;

(B) That the chancellor shall submit all student data to be included in the repository to the independent contractor engaged by the department to create and maintain the student data verification codes required by division (D)(2) of section 3301.0714 of the Revised Code. For each student included in the data submitted by the chancellor, the independent contractor shall determine whether a data verification code has been assigned to that student. In the case of a student to whom a data verification code has been assigned, the independent contractor shall add the code to the student's data record and remove from the data record any information that would enable the data verification code to be matched to personally identifiable student data. In the case of a student to whom a data verification code has not been assigned, the independent contractor shall assign a data verification code to the student, add the data verification code to the student's data record, and remove from the data record any information that would enable the data verification code to be matched to personally identifiable student data. After making the modifications described in this division, the independent contractor shall transmit the data to the department and the chancellor.

(C) That the ~~superintendent~~ department and the chancellor 13335
jointly shall develop procedures for the maintenance of the data 13336
in the repository and shall designate the types of research that 13337
may be conducted using that data. Permitted uses of the data 13338
shall include, but are not limited to, the following: 13339

(1) Assisting the department, ~~superintendent, or state~~ 13340
~~board~~ in performing audit and evaluation functions concerning 13341
preschool, elementary, and secondary education as required or 13342
authorized by any provision of law, including division (C) of 13343
section 3301.07 and sections 3301.12, 3301.16, 3301.53, 3301.57, 13344
3301.58, and 3302.03 of the Revised Code; 13345

(2) Assisting the department and the chancellor in 13346
performing audit and evaluation functions concerning higher 13347
education as required or authorized by any provision of law, 13348
including sections 3333.04, 3333.041, 3333.047, 3333.122, 13349
3333.123, 3333.16, 3333.161, 3333.374, 3333.72, and 3333.82 of 13350
the Revised Code. 13351

(D) That the ~~superintendent~~ department and the chancellor, 13352
from time to time, jointly may enter into written agreements 13353
with entities for the use of data in the repository to conduct 13354
research and analysis designed to evaluate the effectiveness of 13355
programs or services, to measure progress against specific 13356
strategic planning goals, or for any other purpose permitted by 13357
law that the ~~superintendent~~ department and chancellor consider 13358
necessary for the performance of their duties under the Revised 13359
Code. The agreements may permit the disclosure of personally 13360
identifiable student information to the entity named in the 13361
agreement, provided that disclosure complies with the "Family 13362
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 13363
U.S.C. 1232g, as amended, and regulations promulgated under that 13364

act prescribing requirements for such agreements. ~~The~~ 13365
~~superintendent shall notify the state board of each agreement~~ 13366
~~entered into under this division.~~ 13367

(E) That the data in the repository submitted by the 13368
department shall remain under the direct control of the 13369
department and that the data in the repository submitted by the 13370
chancellor shall remain under the direct control of the 13371
chancellor; 13372

(F) That the data in the repository shall be managed in a 13373
manner that complies with the "Family Educational Rights and 13374
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended; 13375

(G) That all costs related to the initial establishment 13376
and ongoing maintenance of the repository shall be paid from 13377
funds received from state incentive grants awarded under 13378
division (A), Title XIV, section 14006 of the American Recovery 13379
and Reinvestment Act of 2009, other federal grant programs, or 13380
existing appropriations of the department or chancellor that are 13381
designated for a purpose consistent with this section; 13382

(H) That the department annually shall report to ~~the state~~ 13383
~~board~~ and the chancellor all requests for access to or use of 13384
the data in the repository and all costs related to the initial 13385
establishment and ongoing maintenance of the repository. 13386

Sec. 3301.941. As used in this section, "early childhood 13387
program" means any publicly funded program providing services to 13388
children younger than compulsory school age, as defined in 13389
section 3321.01 of the Revised Code. 13390

Student level data records collected and maintained for 13391
purposes of administering early childhood programs shall be 13392
assigned a unique student data verification code in accordance 13393

with division (D)(2) of section 3301.0714 of the Revised Code 13394
and shall be included in the combined data repository authorized 13395
by section 3301.94 of the Revised Code. The department of 13396
education and workforce may require certain personally 13397
identifiable student data, including student names, to be 13398
reported to the department for purposes of administering early 13399
childhood programs but not be included in the combined data 13400
repository. The department and each school or center providing 13401
services through an early childhood program that receives a 13402
student level data record, a data verification code, or other 13403
personally identifiable information shall not release that 13404
record, code, or other information to any person except as 13405
provided by section 3319.321 of the Revised Code or the "Family 13406
Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 13407
U.S.C. 1232g. Any document relative to an early childhood 13408
program that the department holds in its files that contains a 13409
student's name, data verification code, or other personally 13410
identifiable information shall not be a public record under 13411
section 149.43 of the Revised Code. 13412

Any state agency that administers an early childhood 13413
program may use student data contained in the combined data 13414
repository to conduct research and analysis designed to evaluate 13415
the effectiveness of and investments in that program, in 13416
compliance with the Family Educational Rights and Privacy Act 13417
and regulations promulgated under that act. 13418

Sec. 3301.948. Notwithstanding anything in the Revised 13419
Code to the contrary, the department of education and workforce, 13420
any school district, any school, or any third party under 13421
contract with the state, a school district, or a school shall 13422
not provide student names and addresses to any multi-state 13423
consortium that offers summative assessments. 13424

Sec. 3302.01. As used in this chapter:	13425
(A) "Performance index score" means the average of the totals derived from calculations, for each subject area, of the weighted proportion of untested students and students scoring at each level of skill described in division (A)(2) of section 3301.0710 of the Revised Code on the state achievement assessments, as follows:	13426 13427 13428 13429 13430 13431
(1) For the assessments prescribed by division (A)(1) of section 3301.0710 of the Revised Code, the average for each of the subject areas of English language arts, mathematics, and science.	13432 13433 13434 13435
(2) For the assessments prescribed by division (B)(1) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code, the average for each of the subject areas of English language arts, mathematics, science, American history, and American government. The average also shall include any substitute examinations approved under division (B)(4) of section 3301.0712 of the Revised Code in the subject areas of science, American history, and American government.	13436 13437 13438 13439 13440 13441 13442 13443
The department of education <u>and workforce</u> shall assign weights such that students who do not take an assessment receive a weight of zero and students who take an assessment receive progressively larger weights dependent upon the level of skill attained on the assessment. The department shall assign additional weights to students who have been permitted to pass over a subject in accordance with a student acceleration policy adopted under section 3324.10 of the Revised Code. If such a student attains the proficient score prescribed under division (A)(2)(c) of section 3301.0710 of the Revised Code or higher on an assessment, the department shall assign the student the	13444 13445 13446 13447 13448 13449 13450 13451 13452 13453 13454

weight prescribed for the next higher scoring level. If such a student attains the advanced score, prescribed under division (A) (2) (a) of section 3301.0710 of the Revised Code, on an assessment, the department shall assign to the student an additional proportional weight, ~~as approved by the state board.~~ For each school year that such a student's score is included in the performance index score and the student attains the proficient score on an assessment, that additional weight shall be assigned to the student on a subject-by-subject basis.

Students shall be included in the "performance index score" in accordance with division (L) (2) of section 3302.03 of the Revised Code.

(B) "Subgroup" means a subset of the entire student population of the state, a school district, or a school building and includes each of the following:

- (1) Major racial and ethnic groups;
- (2) Students with disabilities;
- (3) Economically disadvantaged students;
- (4) English learners;

(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field.

(C) "No Child Left Behind Act of 2001" includes the

statutes codified at 20 U.S.C. 6301 et seq. and any amendments, 13483
waivers, or both thereto, rules and regulations promulgated 13484
pursuant to those statutes, guidance documents, and any other 13485
policy directives regarding implementation of that act issued by 13486
the United States department of education. 13487

(D) "Adequate yearly progress" means a measure of annual 13488
academic performance as calculated in accordance with the "No 13489
Child Left Behind Act of 2001." 13490

(E) "Supplemental educational services" means additional 13491
academic assistance, such as tutoring, remediation, or other 13492
educational enrichment activities, that is conducted outside of 13493
the regular school day by a provider approved by the department 13494
in accordance with the "No Child Left Behind Act of 2001." 13495

(F) "Value-added progress dimension" means a measure of 13496
academic gain for a student or group of students over a specific 13497
period of time that is calculated by applying a statistical 13498
methodology to individual student achievement data derived from 13499
the achievement assessments prescribed by section 3301.0710 of 13500
the Revised Code. The "value-added progress dimension" shall be 13501
developed and implemented in accordance with section 3302.021 of 13502
the Revised Code. 13503

(G) (1) "Four-year adjusted cohort graduation rate" means 13504
the number of students who graduate in four years or less with a 13505
regular high school diploma divided by the number of students 13506
who form the adjusted cohort for the graduating class. 13507

(2) "Five-year adjusted cohort graduation rate" means the 13508
number of students who graduate in five years with a regular 13509
high school diploma divided by the number of students who form 13510
the adjusted cohort for the four-year graduation rate. 13511

(H) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.

(I) "Annual measurable objectives" means a measure of student progress determined in accordance with an agreement between the department of education and workforce and the United States department of education.

(J) "Community school" means a community school established under Chapter 3314. of the Revised Code.

(K) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

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

Sec. 3302.02. (A) Not later than one year after the adoption of rules under division (D) of section 3301.0712 of the Revised Code and at least every sixth year thereafter, ~~upon recommendations of the superintendent of public instruction, the state board~~ department of education and workforce shall establish all of the following:

(1) A set of performance indicators that considered as a unit will be used as one of the performance categories for the report cards required by section 3302.03 of the Revised Code. In establishing these indicators, the ~~superintendent~~ department shall consider inclusion of student performance on assessments prescribed under section 3301.0710 or 3301.0712 of the Revised Code, rates of student improvement on such assessments, the breadth of coursework available within the district, and other indicators of student success.

Beginning with the report card issued under section 13541
3302.03 of the Revised Code for the 2021-2022 school year, the 13542
performance indicators prescribed under division (A)(1) of this 13543
section regarding student performance on state assessments shall 13544
not require a school district or building to attain a 13545
proficiency percentage to meet an indicator. Rather, the 13546
performance indicators only shall report proficiency 13547
percentages, trends, and comparisons. 13548

(2) A performance indicator that reflects the level of 13549
identification and services provided to, and the performance of, 13550
students identified as gifted under Chapter 3324. of the Revised 13551
Code. The indicator shall be prescribed by rules adopted under 13552
Chapter 119. of the Revised Code by the ~~state board~~ department. 13553
The ~~state board~~ department shall consult with the gifted 13554
advisory council regarding all rules adopted under this section. 13555
Consultation with the state gifted advisory council shall occur 13556
not less than every three years. 13557

The gifted performance indicator shall include: 13558

(a) The performance of students on state assessments, as 13559
measured by a performance index score, disaggregated for 13560
students identified as gifted; 13561

(b) Value-added growth measure under section 3302.021 of 13562
the Revised Code, disaggregated for students identified as 13563
gifted; 13564

(c) The level of identification as measured by the 13565
percentage of students in each grade level identified as gifted 13566
and disaggregated by traditionally underrepresented and 13567
economically disadvantaged students; 13568

(d) The level of services provided to students as measured 13569

by the percentage of students provided services in each grade level and disaggregated by traditionally underrepresented and economically disadvantaged students. 13570
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(3) A performance indicator that measures chronic absenteeism, as determined by the department ~~of education~~, in a school district or school building. 13573
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Beginning with the report card issued under section 3302.03 of the Revised Code for the 2021-2022 school year, the performance indicators prescribed in divisions (A) (2) and (3) of this section shall not be part of the performance indicator unit under division (A) (1) of this section. 13576
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(B) For the 2013-2014 school year, except as otherwise provided in this section, for any indicator based on the percentage of students attaining a proficient score on the assessments prescribed by divisions (A) and (B) (1) of section 3301.0710 of the Revised Code, a school district or building shall be considered to have met the indicator if at least eighty per cent of the tested students attain a score of proficient or higher on the assessment. A school district or building shall be considered to have met the indicator for the assessments prescribed by division (B) (1) of section 3301.0710 of the Revised Code and only as administered to eleventh grade students, if at least eighty-five per cent of the tested students attain a score of proficient or higher on the assessment. 13581
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The ~~state board~~ department shall adopt rules, under Chapter 119. of the Revised Code, to establish proficiency percentages to meet each indicator that is based on a state assessment, prescribed under section 3301.0710 or 3301.0712 of the Revised Code, for the 2014-2015, 2015-2016, 2016-2017, 2017- 13595
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2018, 2018-2019, 2019-2020, and 2020-2021 school years by the 13600
following dates: 13601

(1) Not later than December 31, 2015, for the 2014-2015 13602
school year; 13603

(2) Not later than July 1, 2016, for the 2015-2016 school 13604
year; 13605

(3) Not later than July 1, 2017, for the 2016-2017, 2017- 13606
2018, 2018-2019, 2019-2020, and 2020-2021 school years. 13607

Sec. 3302.021. (A) ~~Not earlier than July 1, 2005, and not~~ 13608
~~later than July 1, 2007, the~~ The department of education and 13609
workforce shall implement a value-added progress dimension for 13610
school districts and buildings and shall incorporate the value- 13611
added progress dimension into the report cards and performance 13612
ratings issued for districts and buildings under section 3302.03 13613
of the Revised Code. 13614

~~The state board of education department~~ shall adopt rules, 13615
pursuant to Chapter 119. of the Revised Code, for the 13616
implementation of the value-added progress dimension. The rules 13617
adopted under this division shall specify both of the following: 13618

(1) A scale for describing the levels of academic progress 13619
in reading and mathematics relative to a standard year of 13620
academic growth in those subjects for each of grades three 13621
through eight; 13622

(2) That the department shall maintain the confidentiality 13623
of individual student test scores and individual student reports 13624
in accordance with sections 3301.0711, 3301.0714, and 3319.321 13625
of the Revised Code and federal law. The department may require 13626
school districts to use a unique identifier for each student for 13627
this purpose. Individual student test scores and individual 13628

student reports shall be made available only to a student's 13629
classroom teacher and other appropriate educational personnel 13630
and to the student's parent or guardian. 13631

(B) The department shall explore the feasibility of using 13632
the value-added gain index and effect size to improve 13633
differentiation and interpretation of the measure. If the 13634
department determines that it is feasible, ~~the state board~~ it 13635
may update the rules adopted under division (A) of this section 13636
to implement the use of gain index and effect size. If rules are 13637
adopted under division (A) of this section that use the gain 13638
index and effect size, any prior method used to calculate letter 13639
grades or performance ratings under section 3302.03 of the 13640
Revised Code shall no longer apply. Rather, ~~the state board~~ 13641
department shall update its rules to determine how letter grades 13642
or performance ratings for each level of performance are 13643
calculated under section 3302.03 of the Revised Code using gain 13644
index and effect size. 13645

(C) The department shall use a system designed for 13646
collecting necessary data, calculating the value-added progress 13647
dimension, analyzing data, and generating reports, which system 13648
has been used previously by a nonprofit organization led by the 13649
Ohio business community for at least one year in the operation 13650
of a pilot program in cooperation with school districts to 13651
collect and report student achievement data via electronic means 13652
and to provide information to the districts regarding the 13653
academic performance of individual students, grade levels, 13654
school buildings, and the districts as a whole. 13655

(D) The department shall not pay more than two dollars per 13656
student for data analysis and reporting to implement the value- 13657
added progress dimension in the same manner and with the same 13658

services as under the pilot program described by division (B) of 13659
this section. However, nothing in this section shall preclude 13660
the department or any school district from entering into a 13661
contract for the provision of more services at a higher fee per 13662
student. Any data analysis conducted under this section by an 13663
entity under contract with the department shall be completed in 13664
accordance with timelines established by the ~~superintendent of~~ 13665
~~public instruction~~director of education and workforce. 13666

(E) The department shall share any aggregate student data 13667
and any calculation, analysis, or report utilizing aggregate 13668
student data that is generated under this section with the 13669
chancellor of ~~the Ohio board of regents~~higher education. The 13670
department shall not share individual student test scores and 13671
individual student reports with the chancellor. 13672

Sec. 3302.03. Not later than the thirty-first day of July 13673
of each year, the department of education and workforce shall 13674
submit preliminary report card data for overall academic 13675
performance and for each separate performance measure for each 13676
school district, and each school building, in accordance with 13677
this section. 13678

Annually, not later than the fifteenth day of September or 13679
the preceding Friday when that day falls on a Saturday or 13680
Sunday, the department shall assign a letter grade or 13681
performance rating for overall academic performance and for each 13682
separate performance measure for each school district, and each 13683
school building in a district, in accordance with this section. 13684
The ~~state board of education department~~ shall adopt rules 13685
pursuant to Chapter 119. of the Revised Code to implement this 13686
section. The ~~state board's~~ department's rules shall establish 13687
performance criteria for each letter grade or performance rating 13688

and prescribe a method by which the department assigns each 13689
letter grade or performance rating. For a school building to 13690
which any of the performance measures do not apply, due to grade 13691
levels served by the building, the department shall designate 13692
the performance measures that are applicable to the building and 13693
that must be calculated separately and used to calculate the 13694
building's overall grade or performance rating. The department 13695
shall issue annual report cards reflecting the performance of 13696
each school district, each building within each district, and 13697
for the state as a whole using the performance measures and 13698
letter grade or performance rating system described in this 13699
section. The department shall include on the report card for 13700
each district and each building within each district the most 13701
recent two-year trend data in student achievement for each 13702
subject and each grade. 13703

(A) (1) For the 2012-2013 school year, the department shall 13704
issue grades as described in division (F) of this section for 13705
each of the following performance measures: 13706

(a) Annual measurable objectives; 13707

(b) Performance index score for a school district or 13708
building. Grades shall be awarded as a percentage of the total 13709
possible points on the performance index system as adopted by 13710
the ~~state board~~department. In adopting benchmarks for assigning 13711
letter grades under division (A) (1) (b) of this section, the 13712
~~state board~~department shall designate ninety per cent or higher 13713
for an "A," at least seventy per cent but not more than eighty 13714
per cent for a "C," and less than fifty per cent for an "F." 13715

(c) The extent to which the school district or building 13716
meets each of the applicable performance indicators established 13717
by the ~~state board~~department under section 3302.02 of the 13718

Revised Code and the percentage of applicable performance 13719
indicators that have been achieved. In adopting benchmarks for 13720
assigning letter grades under division (A) (1) (c) of this 13721
section, the ~~state board~~ department shall designate ninety per 13722
cent or higher for an "A." 13723

(d) The four- and five-year adjusted cohort graduation 13724
rates. 13725

In adopting benchmarks for assigning letter grades under 13726
division (A) (1) (d), (B) (1) (d), or (C) (1) (d) of this section, the 13727
department shall designate a four-year adjusted cohort 13728
graduation rate of ninety-three per cent or higher for an "A" 13729
and a five-year cohort graduation rate of ninety-five per cent 13730
or higher for an "A." 13731

(e) The overall score under the value-added progress 13732
dimension of a school district or building, for which the 13733
department shall use up to three years of value-added data as 13734
available. The letter grade assigned for this growth measure 13735
shall be as follows: 13736

(i) A score that is at least one standard error of measure 13737
above the mean score shall be designated as an "A." 13738

(ii) A score that is less than one standard error of 13739
measure above but greater than one standard error of measure 13740
below the mean score shall be designated as a "B." 13741

(iii) A score that is less than or equal to one standard 13742
error of measure below the mean score but greater than two 13743
standard errors of measure below the mean score shall be 13744
designated as a "C." 13745

(iv) A score that is less than or equal to two standard 13746
errors of measure below the mean score but is greater than three 13747

standard errors of measure below the mean score shall be 13748
designated as a "D." 13749

(v) A score that is less than or equal to three standard 13750
errors of measure below the mean score shall be designated as an 13751
"F." 13752

Whenever the value-added progress dimension is used as a 13753
graded performance measure in this division and divisions (B) 13754
and (C) of this section, whether as an overall measure or as a 13755
measure of separate subgroups, the grades for the measure shall 13756
be calculated in the same manner as prescribed in division (A) 13757
(1) (e) of this section. 13758

(f) The value-added progress dimension score for a school 13759
district or building disaggregated for each of the following 13760
subgroups: students identified as gifted, students with 13761
disabilities, and students whose performance places them in the 13762
lowest quintile for achievement on a statewide basis. Each 13763
subgroup shall be a separate graded measure. 13764

(2) ~~Not later than April 30, 2013, the state board of~~ 13765
~~education~~ The department shall adopt a resolution describing the 13766
performance measures, benchmarks, and grading system for the 13767
2012-2013 school year and, ~~not later than June 30, 2013,~~ shall 13768
adopt rules in accordance with Chapter 119. of the Revised Code 13769
that prescribe the methods by which the performance measures 13770
under division (A) (1) of this section shall be assessed and 13771
assigned a letter grade, including performance benchmarks for 13772
each letter grade. 13773

At least forty-five days prior to the ~~state board's~~ 13774
department's adoption of rules to prescribe the methods by which 13775
the performance measures under division (A) (1) of this section 13776

shall be assessed and assigned a letter grade, the department 13777
shall conduct a public presentation before the standing 13778
committees of the house of representatives and the senate that 13779
consider education legislation describing such methods, 13780
including performance benchmarks. 13781

(3) There shall not be an overall letter grade for a 13782
school district or building for the 2012-2013 school year. 13783

(B) (1) For the 2013-2014 school year, the department shall 13784
issue grades as described in division (F) of this section for 13785
each of the following performance measures: 13786

(a) Annual measurable objectives; 13787

(b) Performance index score for a school district or 13788
building. Grades shall be awarded as a percentage of the total 13789
possible points on the performance index system as created by 13790
the department. In adopting benchmarks for assigning letter 13791
grades under division (B) (1) (b) of this section, the ~~state board~~ 13792
department shall designate ninety per cent or higher for an "A," 13793
at least seventy per cent but not more than eighty per cent for 13794
a "C," and less than fifty per cent for an "F." 13795

(c) The extent to which the school district or building 13796
meets each of the applicable performance indicators established 13797
by the ~~state board~~ department under section 3302.03 of the 13798
Revised Code and the percentage of applicable performance 13799
indicators that have been achieved. In adopting benchmarks for 13800
assigning letter grades under division (B) (1) (c) of this 13801
section, the ~~state board~~ department shall designate ninety per 13802
cent or higher for an "A." 13803

(d) The four- and five-year adjusted cohort graduation 13804
rates; 13805

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the ~~state board~~department. The ~~state board~~department shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and buildings for purposes of division (B) (1) (g) of this section. In adopting benchmarks for assigning letter grades under divisions (B) (1) (g) and (C) (1) (g) of this section, the ~~state board~~department shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading and writing diagnostic assessments administered under section 3301.0715 of the Revised Code and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The ~~state board~~department shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under divisions (B) (1) (g) and (C) (1) (g) of this section for a district or building in which less than five per cent of

students have scored below grade level on the diagnostic 13837
assessment administered to students in kindergarten under 13838
division (B) (1) of section 3313.608 of the Revised Code. 13839

(h) For a high mobility school district or building, an 13840
additional value-added progress dimension score. For this 13841
measure, the department shall use value-added data from the most 13842
recent school year available and shall use assessment scores for 13843
only those students to whom the district or building has 13844
administered the assessments prescribed by section 3301.0710 of 13845
the Revised Code for each of the two most recent consecutive 13846
school years. 13847

As used in this division, "high mobility school district 13848
or building" means a school district or building where at least 13849
twenty-five per cent of its total enrollment is made up of 13850
students who have attended that school district or building for 13851
less than one year. 13852

(2) In addition to the graded measures in division (B) (1) 13853
of this section, the department shall include on a school 13854
district's or building's report card all of the following 13855
without an assigned letter grade: 13856

(a) The percentage of students enrolled in a district or 13857
building participating in advanced placement classes and the 13858
percentage of those students who received a score of three or 13859
better on advanced placement examinations; 13860

(b) The number of a district's or building's students who 13861
have earned at least three college credits through dual 13862
enrollment or advanced standing programs, such as the post- 13863
secondary enrollment options program under Chapter 3365. of the 13864
Revised Code and state-approved career-technical courses offered 13865

through dual enrollment or statewide articulation, that appear 13866
on a student's transcript or other official document, either of 13867
which is issued by the institution of higher education from 13868
which the student earned the college credit. The credits earned 13869
that are reported under divisions (B) (2) (b) and (C) (2) (c) of 13870
this section shall not include any that are remedial or 13871
developmental and shall include those that count toward the 13872
curriculum requirements established for completion of a degree. 13873

(c) The percentage of students enrolled in a district or 13874
building who have taken a national standardized test used for 13875
college admission determinations and the percentage of those 13876
students who are determined to be remediation-free in accordance 13877
with standards adopted under division (F) of section 3345.061 of 13878
the Revised Code; 13879

(d) The percentage of the district's or the building's 13880
students who receive industry-recognized credentials as approved 13881
under section 3313.6113 of the Revised Code. 13882

(e) The percentage of students enrolled in a district or 13883
building who are participating in an international baccalaureate 13884
program and the percentage of those students who receive a score 13885
of four or better on the international baccalaureate 13886
examinations. 13887

(f) The percentage of the district's or building's 13888
students who receive an honors diploma under division (B) of 13889
section 3313.61 of the Revised Code. 13890

(3) ~~Not later than December 31, 2013, the state board~~ The 13891
department shall adopt rules in accordance with Chapter 119. of 13892
the Revised Code that prescribe the methods by which the 13893
performance measures under divisions (B) (1) (f) and (B) (1) (g) of 13894

this section will be assessed and assigned a letter grade, 13895
including performance benchmarks for each grade. 13896

At least forty-five days prior to the ~~state board's~~ 13897
department's adoption of rules to prescribe the methods by which 13898
the performance measures under division (B) (1) of this section 13899
shall be assessed and assigned a letter grade, the department 13900
shall conduct a public presentation before the standing 13901
committees of the house of representatives and the senate that 13902
consider education legislation describing such methods, 13903
including performance benchmarks. 13904

(4) There shall not be an overall letter grade for a 13905
school district or building for the 2013-2014, 2014-2015, 2015- 13906
2016, and 2016-2017 school years. 13907

(C) (1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 13908
2018-2019, 2019-2020, and 2020-2021 school years, the department 13909
shall issue grades as described in division (F) of this section 13910
for each of the performance measures prescribed in division (C) 13911
(1) of this section. The graded measures are as follows: 13912

(a) Annual measurable objectives. For the 2017-2018 school 13913
year, the department shall not include any subgroup data in the 13914
annual measurable objectives that includes data from fewer than 13915
twenty-five students. For the 2018-2019 school year, the 13916
department shall not include any subgroup data in the annual 13917
measurable objectives that includes data from fewer than twenty 13918
students. Beginning with the 2019-2020 school year, the 13919
department shall not include any subgroup data in the annual 13920
measurable objectives that includes data from fewer than fifteen 13921
students. 13922

(b) Performance index score for a school district or 13923

building. Grades shall be awarded as a percentage of the total 13924
possible points on the performance index system as created by 13925
the department. In adopting benchmarks for assigning letter 13926
grades under division (C) (1) (b) of this section, the ~~state board-~~ 13927
department shall designate ninety per cent or higher for an "A," 13928
at least seventy per cent but not more than eighty per cent for 13929
a "C," and less than fifty per cent for an "F." 13930

(c) The extent to which the school district or building 13931
meets each of the applicable performance indicators established 13932
by the ~~state board-~~department under section 3302.03 of the 13933
Revised Code and the percentage of applicable performance 13934
indicators that have been achieved. In adopting benchmarks for 13935
assigning letter grades under division (C) (1) (c) of this 13936
section, the ~~state board-~~department shall designate ninety per 13937
cent or higher for an "A." 13938

(d) The four- and five-year adjusted cohort graduation 13939
rates; 13940

(e) The overall score under the value-added progress 13941
dimension, or another measure of student academic progress if 13942
adopted by the ~~state board-~~department, of a school district or 13943
building, for which the department shall use up to three years 13944
of value-added data as available. 13945

In adopting benchmarks for assigning letter grades for 13946
overall score on value-added progress dimension under division 13947
(C) (1) (e) of this section, the ~~state board-~~department shall 13948
prohibit the assigning of a grade of "A" for that measure unless 13949
the district's or building's grade assigned for value-added 13950
progress dimension for all subgroups under division (C) (1) (f) of 13951
this section is a "C" or higher. 13952

For the metric prescribed by division (C) (1) (e) of this section, the ~~state board department~~ may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the ~~state board department~~ adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A) (1) (e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the ~~state board department~~. Each subgroup shall be a separate graded measure.

The ~~state board department~~ may adopt student academic progress measures to be used instead of the value-added progress dimension. If the ~~state board department~~ adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A) (1) (e) of this section.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the ~~state board department~~. The ~~state board department~~ shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C) (1) (g) of this section. The ~~state board department~~ shall designate for a "C" grade a value that is not lower than the statewide average value

for this measure. No grade shall be issued under division (C) (1) 13983
(g) of this section for a district or building in which less 13984
than five per cent of students have scored below grade level on 13985
the kindergarten diagnostic assessment under division (B) (1) of 13986
section 3313.608 of the Revised Code. 13987

(h) For a high mobility school district or building, an 13988
additional value-added progress dimension score. For this 13989
measure, the department shall use value-added data from the most 13990
recent school year available and shall use assessment scores for 13991
only those students to whom the district or building has 13992
administered the assessments prescribed by section 3301.0710 of 13993
the Revised Code for each of the two most recent consecutive 13994
school years. 13995

As used in this division, "high mobility school district 13996
or building" means a school district or building where at least 13997
twenty-five per cent of its total enrollment is made up of 13998
students who have attended that school district or building for 13999
less than one year. 14000

(2) In addition to the graded measures in division (C) (1) 14001
of this section, the department shall include on a school 14002
district's or building's report card all of the following 14003
without an assigned letter grade: 14004

(a) The percentage of students enrolled in a district or 14005
building who have taken a national standardized test used for 14006
college admission determinations and the percentage of those 14007
students who are determined to be remediation-free in accordance 14008
with the standards adopted under division (F) of section 14009
3345.061 of the Revised Code; 14010

(b) The percentage of students enrolled in a district or 14011

building participating in advanced placement classes and the 14012
percentage of those students who received a score of three or 14013
better on advanced placement examinations; 14014

(c) The percentage of a district's or building's students 14015
who have earned at least three college credits through advanced 14016
standing programs, such as the college credit plus program under 14017
Chapter 3365. of the Revised Code and state-approved career- 14018
technical courses offered through dual enrollment or statewide 14019
articulation, that appear on a student's college transcript 14020
issued by the institution of higher education from which the 14021
student earned the college credit. The credits earned that are 14022
reported under divisions (B) (2) (b) and (C) (2) (c) of this section 14023
shall not include any that are remedial or developmental and 14024
shall include those that count toward the curriculum 14025
requirements established for completion of a degree. 14026

(d) The percentage of the district's or building's 14027
students who receive an honor's diploma under division (B) of 14028
section 3313.61 of the Revised Code; 14029

(e) The percentage of the district's or building's 14030
students who receive industry-recognized credentials as approved 14031
under section 3313.6113 of the Revised Code; 14032

(f) The percentage of students enrolled in a district or 14033
building who are participating in an international baccalaureate 14034
program and the percentage of those students who receive a score 14035
of four or better on the international baccalaureate 14036
examinations; 14037

(g) The results of the college and career-ready 14038
assessments administered under division (B) (1) of section 14039
3301.0712 of the Revised Code; 14040

(h) Whether the school district or building has 14041
implemented a positive behavior intervention and supports 14042
framework in compliance with the requirements of section 3319.46 14043
of the Revised Code, notated as a "yes" or "no" answer. 14044

(3) The ~~state board~~ department shall adopt rules pursuant 14045
to Chapter 119. of the Revised Code that establish a method to 14046
assign an overall grade for a school district or school building 14047
for the 2017-2018 school year and each school year thereafter. 14048
The rules shall group the performance measures in divisions (C) 14049
(1) and (2) of this section into the following components: 14050

(a) Gap closing, which shall include the performance 14051
measure in division (C) (1) (a) of this section; 14052

(b) Achievement, which shall include the performance 14053
measures in divisions (C) (1) (b) and (c) of this section; 14054

(c) Progress, which shall include the performance measures 14055
in divisions (C) (1) (e) and (f) of this section; 14056

(d) Graduation, which shall include the performance 14057
measure in division (C) (1) (d) of this section; 14058

(e) Kindergarten through third-grade literacy, which shall 14059
include the performance measure in division (C) (1) (g) of this 14060
section; 14061

(f) Prepared for success, which shall include the 14062
performance measures in divisions (C) (2) (a), (b), (c), (d), (e), 14063
and (f) of this section. The ~~state board~~ department shall 14064
develop a method to determine a grade for the component in 14065
division (C) (3) (f) of this section using the performance 14066
measures in divisions (C) (2) (a), (b), (c), (d), (e), and (f) of 14067
this section. When available, the ~~state board~~ department may 14068
incorporate the performance measure under division (C) (2) (g) of 14069

this section into the component under division (C) (3) (f) of this section. When determining the overall grade for the prepared for success component prescribed by division (C) (3) (f) of this section, no individual student shall be counted in more than one performance measure. However, if a student qualifies for more than one performance measure in the component, the ~~state board~~ department may, in its method to determine a grade for the component, specify an additional weight for such a student that is not greater than or equal to 1.0. In determining the overall score under division (C) (3) (f) of this section, the ~~state board~~ department shall ensure that the pool of students included in the performance measures aggregated under that division are all of the students included in the four- and five-year adjusted graduation cohort.

In the rules adopted under division (C) (3) of this section, the ~~state board~~ department shall adopt a method for determining a grade for each component in divisions (C) (3) (a) to (f) of this section. The ~~state board~~ department also shall establish a method to assign an overall grade of "A," "B," "C," "D," or "F" using the grades assigned for each component. The method the ~~state board~~ department adopts for assigning an overall grade shall give equal weight to the components in divisions (C) (3) (b) and (c) of this section.

At least forty-five days prior to the ~~state board's~~ department's adoption of rules to prescribe the methods for calculating the overall grade for the report card, as required by this division, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing the format for the report card, weights that will be assigned to the components of the overall grade,

and the method for calculating the overall grade. 14101

(D) For the 2021-2022 school year and each school year 14102
thereafter, all of the following apply: 14103

(1) The department shall include on a school district's or 14104
building's report card all of the following performance measures 14105
without an assigned performance rating: 14106

(a) Whether the district or building meets the gifted 14107
performance indicator under division (A) (2) of section 3302.02 14108
of the Revised Code and the extent to which the district or 14109
building meets gifted indicator performance benchmarks; 14110

(b) The extent to which the district or building meets the 14111
chronic absenteeism indicator under division (A) (3) of section 14112
3302.02 of the Revised Code; 14113

(c) Performance index score percentage for a district or 14114
building, which shall be calculated by dividing the district's 14115
or building's performance index score according to the 14116
performance index system created by the department by the 14117
maximum performance index score for a district or building. The 14118
maximum performance index score shall be as follows: 14119

(i) For a building, the average of the highest two per 14120
cent of performance index scores achieved by a building for the 14121
school year for which a report card is issued; 14122

(ii) For a district, the average of the highest two per 14123
cent of performance index scores achieved by a district for the 14124
school year for which a report card is issued. 14125

(d) The overall score under the value-added progress 14126
dimension of a district or building, for which the department 14127
shall use three consecutive years of value-added data. In using 14128

three years of value-added data to calculate the measure 14129
prescribed under division (D) (1) (d) of this section, the 14130
department shall assign a weight of fifty per cent to the most 14131
recent year's data and a weight of twenty-five per cent to the 14132
data of each of the other years. However, if three consecutive 14133
years of value-added data is not available, the department shall 14134
use prior years of value-added data to calculate the measure, as 14135
follows: 14136

(i) If two consecutive years of value-added data is not 14137
available, the department shall use one year of value-added data 14138
to calculate the measure. 14139

(ii) If two consecutive years of value-added data is 14140
available, the department shall use two consecutive years of 14141
value-added data to calculate the measure. In using two years of 14142
value-added data to calculate the measure, the department shall 14143
assign a weight of sixty-seven per cent to the most recent 14144
year's data and a weight of thirty-three per cent to the data of 14145
the other year. 14146

(e) The four-year adjusted cohort graduation rate. 14147

(f) The five-year adjusted cohort graduation rate. 14148

(g) The percentage of students in the district or building 14149
who score proficient or higher on the reading segment of the 14150
third grade English language arts assessment under section 14151
3301.0710 of the Revised Code. 14152

To the extent possible, the department shall include the 14153
results of the summer administration of the third grade reading 14154
assessment under section 3301.0710 of the Revised Code in the 14155
performance measures prescribed under divisions (D) (1) (g) and 14156
(h) of this section. 14157

(h) Whether a district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the department. The method shall determine progress made based on the reduction in the total percentage of students scoring below grade level, or below proficient, compared from year to year on the reading segments of the diagnostic assessments administered under section 3301.0715 of the Revised Code, including the kindergarten readiness assessment, and the third grade English language arts assessment under section 3301.0710 of the Revised Code, as applicable. The method shall not include a deduction for students who did not pass the third grade English language arts assessment under section 3301.0710 of the Revised Code and were not on a reading improvement and monitoring plan.

The performance measure prescribed under division (D) (1) (h) of this section shall not be included on the report card of a district or building in which less than ten per cent of students have scored below grade level on the diagnostic assessment administered to students in kindergarten under division (B) (1) of section 3313.608 of the Revised Code.

(i) The percentage of students in a district or building who are promoted to the fourth grade and not subject to retention under division (A) (2) of section 3313.608 of the Revised Code;

(j) A post-secondary readiness measure. This measure shall be calculated by dividing the number of students included in the four-year adjusted graduation rate cohort who demonstrate post-secondary readiness by the total number of students included in the denominator of the four-year adjusted graduation rate cohort. Demonstration of post-secondary readiness shall include

a student doing any of the following:	14188
(i) Attaining a remediation-free score, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code;	14189 14190 14191 14192
(ii) Attaining required scores on three or more advanced placement or international baccalaureate examinations. The required score for an advanced placement examination shall be a three or better. The required score for an international baccalaureate examination shall be a four or better. A student may satisfy this condition with any combination of advanced placement or international baccalaureate examinations.	14193 14194 14195 14196 14197 14198 14199
(iii) Earning at least twelve college credits through advanced standing programs, such as the college credit plus program under Chapter 3365. of the Revised Code, an early college high school program under section 3313.6013 of the Revised Code, and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's college transcript issued by the institution of higher education from which the student earned the college credit. Earned credits reported under division (D) (1) (j) (iii) of this section shall include credits that count toward the curriculum requirements established for completion of a degree, but shall not include any remedial or developmental credits.	14200 14201 14202 14203 14204 14205 14206 14207 14208 14209 14210 14211 14212
(iv) Meeting the additional criteria for an honors diploma under division (B) of section 3313.61 of the Revised Code;	14213 14214
(v) Earning an industry-recognized credential or license issued by a state agency or board for practice in a vocation	14215 14216

that requires an examination for issuance of that license	14217
approved under section 3313.6113 of the Revised Code;	14218
(vi) Satisfying any of the following conditions:	14219
(I) Completing a pre-apprenticeship aligned with options	14220
established under section 3313.904 of the Revised Code in the	14221
student's chosen career field;	14222
(II) Completing an apprenticeship registered with the	14223
apprenticeship council established under section 4139.02 of the	14224
Revised Code in the student's chosen career field;	14225
(III) Providing evidence of acceptance into an	14226
apprenticeship program after high school that is restricted to	14227
participants eighteen years of age or older.	14228
(vii) Earning a cumulative score of proficient or higher	14229
on three or more state technical assessments aligned with	14230
section 3313.903 of the Revised Code in a single career pathway;	14231
(viii) Earning an OhioMeansJobs-readiness seal established	14232
under section 3313.6112 of the Revised Code and completing two	14233
hundred fifty hours of an internship or other work-based	14234
learning experience that is either:	14235
(I) Approved by the business advisory council established	14236
under section 3313.82 of the Revised Code that represents the	14237
student's district; or	14238
(II) Aligned to the career-technical education pathway	14239
approved by the department in which the student is enrolled.	14240
(ix) Providing evidence that the student has enlisted in a	14241
branch of the armed services of the United States as defined in	14242
section 5910.01 of the Revised Code.	14243

A student who satisfies more than one of the conditions prescribed under this division shall be counted as one student for the purposes of calculating the measure prescribed under division (D) (1) (j) of this section.

(2) In addition to the performance measures under division (D) (1) of this section, the department shall report on a district's or building's report card all of the following data without an assigned performance rating:

(a) The applicable performance indicators established by the ~~state board~~ department under division (A) (1) of section 3302.02 of the Revised Code;

(b) The overall score under the value-added progress dimension of a district or building for the most recent school year;

(c) A composite of the overall scores under the value-added progress dimension of a district or building for the previous three school years or, if only two years of value-added data are available, for the previous two years;

(d) The percentage of students included in the four- and five-year adjusted cohort graduation rates of a district or building who did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code. To the extent possible, the department shall disaggregate that data according to the following categories:

(i) Students who are still enrolled in the district or building and receiving general education services;

(ii) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61

or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services;	14273 14274
(iii) Students with an individualized education program who have not yet satisfied conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code and who are still receiving education services;	14275 14276 14277 14278
(iv) Students who are no longer enrolled in any district or building;	14279 14280
(v) Students who, upon enrollment in the district or building for the first time, had completed fewer units of high school instruction required under section 3313.603 of the Revised Code than other students in the four- or five-year adjusted cohort graduation rate.	14281 14282 14283 14284 14285
The department may disaggregate the data prescribed under division (D) (2) (d) of this section according to other categories that the department determines are appropriate.	14286 14287 14288
(e) The results of the kindergarten diagnostic assessment prescribed under division (D) of section 3301.079 of the Revised Code;	14289 14290 14291
(f) Post-graduate outcomes for students who were enrolled in a district or building and received a high school diploma under section 3313.61 or 3325.08 of the Revised Code in the school year prior to the school year for which the report card is issued, including the percentage of students who:	14292 14293 14294 14295 14296
(i) Enrolled in a post-secondary educational institution. To the extent possible, the department shall disaggregate that data according to whether the student enrolled in a four-year institution of higher education, a two-year institution of higher education, an Ohio technical center that provides adult	14297 14298 14299 14300 14301

technical education services and is recognized by the chancellor 14302
of higher education, or another type of post-secondary 14303
educational institution. 14304

(ii) Entered an apprenticeship program registered with the 14305
apprenticeship council established under Chapter 4139. of the 14306
Revised Code. The department may include other job training 14307
programs with similar rigor and outcomes. 14308

(iii) Attained gainful employment, as determined by the 14309
department; 14310

(iv) Enlisted in a branch of the armed forces of the 14311
United States, as defined in section 5910.01 of the Revised 14312
Code. 14313

(g) Whether the school district or building has 14314
implemented a positive behavior intervention and supports 14315
framework in compliance with the requirements of section 3319.46 14316
of the Revised Code, notated with a "yes" or "no"; 14317

(h) The number and percentage of high school seniors in 14318
each school year who completed the free application for federal 14319
student aid; 14320

(i) Beginning with the report card issued under this 14321
section for the 2022-2023 school year, a student opportunity 14322
profile measure that reports data regarding the opportunities 14323
provided to students by a district or building. To the extent 14324
possible, and when appropriate, the data shall be disaggregated 14325
by grade level and subgroup. The measure also shall include data 14326
regarding the statewide average, the average for similar school 14327
districts, and, for a building, the average for the district in 14328
which the building is located. The measure shall include all of 14329
the following data for the district or building: 14330

(i) The average ratio of teachers of record to students in each grade level in a district or building;	14331 14332
(ii) The average ratio of school counselors to students in a district or building;	14333 14334
(iii) The average ratio of nurses to students in a district or building;	14335 14336
(iv) The average ratio of licensed librarians and library media specialists to students in a district or building;	14337 14338
(v) The average ratio of social workers to students in a district or building;	14339 14340
(vi) The average ratio of mental health professionals to students in a district or building;	14341 14342
(vii) The average ratio of paraprofessionals to students in a district or building;	14343 14344
(viii) The percentage of teachers with fewer than three years of experience teaching in any school;	14345 14346
(ix) The percentage of principals with fewer than three years of experience as a principal in any school;	14347 14348
(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	14349 14350
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	14351 14352 14353
(xii) The percentage of students enrolled in a performing or visual arts course;	14354 14355
(xiii) The percentage of students enrolled in a physical education or wellness course;	14356 14357

(xiv) The percentage of students enrolled in a world language course;	14358 14359
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	14360 14361
(xvi) The percentage of students participating in one or more cocurricular activities;	14362 14363
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	14364 14365 14366 14367
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	14368 14369 14370 14371
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	14372 14373 14374
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	14375 14376 14377 14378
(xxi) The percentage of students who are transported by a school bus each school day;	14379 14380
(xxii) The ratio of portable technology devices that students may take home to the number of students.	14381 14382
The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.	14383 14384 14385

(j) (i) The percentage of students included in the four- 14386
and five-year adjusted cohort graduation rates of the district 14387
or building who completed all of grades nine through twelve 14388
while enrolled in the district or building; 14389

(ii) The four-year adjusted cohort graduation rate for 14390
only those students who were continuously enrolled in the same 14391
district or building for grades nine through twelve. 14392

(k) The percentage of students in the district or building 14393
to whom both of the following apply: 14394

(i) The students are promoted to fourth grade and not 14395
subject to retention under division (A) (2) of section 3313.608 14396
of the Revised Code. 14397

(ii) The students completed all of the grade levels 14398
offered prior to the fourth grade in the district or building. 14399

(3) Except as provided in division (D) (3) (f) of this 14400
section, the department shall use the ~~state board's~~ method 14401
prescribed under rules adopted under division (D) (4) of this 14402
section to assign performance ratings of "one star," "two 14403
stars," "three stars," "four stars," or "five stars," as 14404
described in division (F) of this section, for a district or 14405
building for the individual components prescribed under division 14406
(D) (3) of this section. The department also shall assign an 14407
overall performance rating for a district or building in 14408
accordance with division (D) (3) (g) of this section. The method 14409
shall use the performance measures prescribed under division (D) 14410
(1) of this section to calculate performance ratings for 14411
components. The method may report data under division (D) (2) of 14412
this section with corresponding components, but shall not use 14413
the data to calculate performance ratings for that component. 14414

The performance measures and reported data shall be grouped	14415
together into components as follows:	14416
(a) Gap closing. In addition to other criteria determined	14417
appropriate by the department, performance ratings for the gap	14418
closing component shall reflect whether each of the following	14419
performance measures are met or not met:	14420
(i) The gifted performance indicator as described in	14421
division (D) (1) (a) of this section;	14422
(ii) The chronic absenteeism indicator as described in	14423
division (D) (1) (b) of this section;	14424
(iii) For English learners, an English language	14425
proficiency improvement indicator established by the department;	14426
(iv) The subgroup graduation targets;	14427
(v) The subgroup achievement targets in both mathematics	14428
and English language arts;	14429
(vi) The subgroup progress targets in both mathematics and	14430
English language arts.	14431
Achievement and progress targets under division (D) (3) (a)	14432
of this section shall be calculated individually, and districts	14433
and buildings shall receive a status of met or not met on each	14434
measure. The department shall not require a subgroup of a	14435
district or building to meet both the achievement and progress	14436
targets at the same time to receive a status of met.	14437
The department shall not include any subgroup data in this	14438
measure that includes data from fewer than fifteen students. Any	14439
penalty for failing to meet the required assessment	14440
participation rate must be partially in proportion to how close	14441
the district or building was to meeting the rate requirement.	14442

(b) Achievement, which shall include the performance 14443
measure in division (D) (1) (c) of this section and the reported 14444
data in division (D) (2) (a) of this section. Performance ratings 14445
for the achievement component shall be awarded as a percentage 14446
of the maximum performance index score described in division (D) 14447
(1) (c) of this section. 14448

(c) Progress, which shall include the performance measure 14449
in division (D) (1) (d) of this section and the reported data in 14450
divisions (D) (2) (b) and (c) of this section; 14451

(d) Graduation, which shall include the performance 14452
measures in divisions (D) (1) (e) and (f) of this section and the 14453
reported data in divisions (D) (2) (d) and (j) of this section. 14454
The four-year adjusted cohort graduation rate shall be assigned 14455
a weight of sixty per cent and the five-year adjusted cohort 14456
graduation rate shall be assigned a weight of forty per cent; 14457

(e) Early literacy, which shall include the performance 14458
measures in divisions (D) (1) (g), (h), and (i) of this section 14459
and the reported data in divisions (D) (2) (e) and (k) of this 14460
section. 14461

If the measure prescribed under division (D) (1) (h) of this 14462
section is included in a report card, performance ratings for 14463
the early literacy component shall give a weight of forty per 14464
cent to the measure prescribed under division (D) (1) (g) of this 14465
section, a weight of thirty-five per cent to the measure 14466
prescribed under division (D) (1) (i) of this section, and a 14467
weight of twenty-five per cent to the measure prescribed under 14468
division (D) (1) (h) of this section. 14469

If the measure prescribed under division (D) (1) (h) of this 14470
section is not included in a report card of a district or 14471

building, performance ratings for the early literacy component 14472
shall give a weight of sixty per cent to the measure prescribed 14473
under division (D) (1) (g) of this section and a weight of forty 14474
per cent to the measure prescribed under division (D) (1) (i) of 14475
this section. 14476

(f) College, career, workforce, and military readiness, 14477
which shall include the performance measure in division (D) (1) 14478
(j) of this section and the reported data in division (D) (2) (f) 14479
of this section. 14480

For the 2021-2022, 2022-2023, and 2023-2024 school years, 14481
the department only shall report the data for, and not assign a 14482
performance rating to, the college, career, workforce, and 14483
military readiness component. The reported data shall include 14484
the percentage of students who demonstrate post-secondary 14485
readiness using any of the options described in division (D) (1) 14486
(j) of this section. 14487

The department shall analyze the data included in the 14488
performance measure prescribed in division (D) (1) (j) of this 14489
section for the 2021-2022, 2022-2023, and 2023-2024 school 14490
years. Using that data, the department shall develop and propose 14491
rules for a method to assign a performance rating to the 14492
college, career, workforce, and military readiness component 14493
based on that measure. The method to assign a performance rating 14494
shall not include a tiered structure or per student bonuses. The 14495
rules shall specify that a district or building shall not 14496
receive lower than a performance rating of three stars for the 14497
component if the district's or building's performance on the 14498
component meets or exceeds a level of improvement set by the 14499
department. Notwithstanding division (D) (4) (b) of this section, 14500
more than half of the total districts and buildings may earn a 14501

performance rating of three stars on this component to account 14502
for the districts and buildings that earned a performance rating 14503
of three stars because they met or exceeded the level of 14504
improvement set by the department. 14505

The department shall submit the rules to the joint 14506
committee on agency rule review. The committee shall conduct at 14507
least one public hearing on the proposed rules and approve or 14508
disapprove the rules. If the committee approves the rules, the 14509
~~state board~~ department shall adopt the rules in accordance with 14510
Chapter 119. of the Revised Code. If the rules are adopted, the 14511
department shall assign a performance rating to the college, 14512
career, workforce, and military readiness component under the 14513
rules beginning with the 2024-2025 school year, and for each 14514
school year thereafter. If the committee disapproves the rules, 14515
the component shall be included in the report card only as 14516
reported data for the 2024-2025 school year, and each school 14517
year thereafter. 14518

(g) (i) Except as provided for in division (D) (3) (g) (ii) of 14519
this section, beginning with the 2022-2023 school year, under 14520
the ~~state board's~~ method prescribed under rules adopted in 14521
division (D) (4) of this section, the department shall use the 14522
performance ratings assigned for the components prescribed in 14523
divisions (D) (3) (a) to (e) of this section to determine and 14524
assign an overall performance rating of "one star," "one and 14525
one-half stars," "two stars," "two and one-half stars," "three 14526
stars," "three and one-half stars," "four stars," "four and one- 14527
half stars," or "five stars" for a district or building. The 14528
method shall give equal weight to the components in divisions 14529
(D) (3) (b) and (c) of this section. The method shall give equal 14530
weight to the components in divisions (D) (3) (a), (d), and (e) of 14531
this section. The individual weights of each of the components 14532

prescribed in divisions (D) (3) (a), (d), and (e) of this section 14533
shall be equal to one-half of the weight given to the component 14534
prescribed in division (D) (3) (b) of this section. 14535

(ii) If the joint committee on agency rule review approves 14536
the department's rules regarding the college, career, workforce, 14537
and military readiness component as described in division (D) (3) 14538
(f) of this section, for the 2024-2025 school year, and each 14539
school year thereafter, the ~~state board's department's~~ method 14540
shall use the components in divisions (D) (3) (a), (b), (c), (d), 14541
(e), and (f) of this section to calculate the overall 14542
performance rating. The method shall give equal weight to the 14543
components in divisions (D) (3) (b) and (c) of this section. The 14544
method shall give equal weight to the components prescribed in 14545
divisions (D) (3) (a), (d), (e), and (f) of this section. The 14546
individual weights of each of the components prescribed in 14547
divisions (D) (3) (a), (d), (e), and (f) of this section shall be 14548
equal to one-half the weight given to the component prescribed 14549
in division (D) (3) (b) of this section. 14550

If the joint committee on agency rule review disapproves 14551
the department's rules regarding the college, career, workforce, 14552
and military readiness component as described in division (D) (3) 14553
(f) of this section, division (D) (3) (g) (ii) of this section does 14554
not apply. 14555

(4) (a) The ~~state board department~~ shall adopt rules in 14556
accordance with Chapter 119. of the Revised Code to establish 14557
the performance criteria, benchmarks, and rating system 14558
necessary to implement divisions (D) and (F) of this section, 14559
including the method for the department to assign performance 14560
ratings under division (D) (3) of this section. 14561

(b) In establishing the performance criteria, benchmarks, 14562

and rating system, the ~~state board~~ department shall consult with 14563
stakeholder groups and advocates that represent parents, 14564
community members, students, business leaders, and educators 14565
from different school typology regions. The ~~state board~~ 14566
department shall use data from prior school years and 14567
simulations to ensure that there is meaningful differentiation 14568
among districts and buildings across all performance ratings and 14569
that, except as permitted in division (D) (3) (f) of this section, 14570
more than half of all districts or buildings do not earn the 14571
same performance rating in any component or overall performance 14572
rating. 14573

(c) The ~~state board~~ department shall adopt the rules 14574
prescribed by division (D) (4) of this section not later than 14575
March 31, 2022. However, the department shall notify districts 14576
and buildings of the changes to the report card prescribed in 14577
law not later than one week after the effective date of this 14578
amendment September 30, 2021. 14579

(d) Prior to adopting or updating rules under division (D) 14580
(4) of this section, the ~~president~~ director of the state board 14581
education and workforce and the department shall conduct a 14582
public presentation before the standing committees of the house 14583
of representatives and the senate that consider primary and 14584
secondary education legislation describing the format for the 14585
report card and the performance criteria, benchmarks, and rating 14586
system, including the method to assign performance ratings under 14587
division (D) (3) of this section. 14588

(E) ~~On or after July 1, 2015, the state board~~ The 14589
department may develop a measure of student academic progress 14590
for high school students using only data from assessments in 14591
English language arts and mathematics. If the ~~state board~~ 14592

department develops this measure, each school district and applicable school building shall be assigned a separate letter grade for it not sooner than the 2017-2018 school year. The district's or building's grade for that measure shall not be included in determining the district's or building's overall letter grade.

(F) (1) The letter grades assigned to a school district or building under this section shall be as follows:

(a) "A" for a district or school making excellent progress;

(b) "B" for a district or school making above average progress;

(c) "C" for a district or school making average progress;

(d) "D" for a district or school making below average progress;

(e) "F" for a district or school failing to meet minimum progress.

(2) For the overall performance rating under division (D) (3) of this section, the department shall include a descriptor for each performance rating as follows:

(a) "Significantly exceeds state standards" for a performance rating of five stars;

(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars;

(c) "Meets state standards" for a performance rating of three stars or three and one-half stars;

(d) "Needs support to meet state standards" for a

performance rating of two stars or two and one-half stars; 14620

(e) "Needs significant support to meet state standards" 14621
for a performance rating of one star or one and one-half stars. 14622

(3) For performance ratings for each component under 14623
divisions (D) (3) (a) to (f) of this section, the ~~state board-~~ 14624
department shall include a description of each component and 14625
performance rating. The description shall include component- 14626
specific context to each performance rating earned, estimated 14627
comparisons to other school districts and buildings if 14628
appropriate, and any other information determined by the ~~state-~~ 14629
~~board~~department. The descriptions shall be not longer than 14630
twenty-five words in length when possible. In addition to such 14631
descriptions, the ~~state board-~~department shall include the 14632
descriptors in division (F) (2) of this section for component 14633
performance ratings. 14634

(4) Each report card issued under this section shall 14635
include all of the following: 14636

(a) A graphic that depicts the performance ratings of a 14637
district or school on a color scale. The color associated with a 14638
performance rating of three stars shall be green and the color 14639
associated with a performance rating of one star shall be red. 14640

(b) An arrow graphic that shows data trends for 14641
performance ratings for school districts or buildings. The ~~state-~~ 14642
~~board~~department shall determine the data to be used for this 14643
graphic, which shall include at least the three most recent 14644
years of data. 14645

(c) A description regarding the weights that are assigned 14646
to each component and used to determine an overall performance 14647
rating, as prescribed under division (D) (3) (g) of this section, 14648

which shall be included in the presentation of the overall performance rating on each report card.	14649 14650
(G) When reporting data on student achievement and progress, the department shall disaggregate that data according to the following categories:	14651 14652 14653
(1) Performance of students by grade-level;	14654
(2) Performance of students by race and ethnic group;	14655
(3) Performance of students by gender;	14656
(4) Performance of students grouped by those who have been enrolled in a district or school for three or more years;	14657 14658
(5) Performance of students grouped by those who have been enrolled in a district or school for more than one year and less than three years;	14659 14660 14661
(6) Performance of students grouped by those who have been enrolled in a district or school for one year or less;	14662 14663
(7) Performance of students grouped by those who are economically disadvantaged;	14664 14665
(8) Performance of students grouped by those who are enrolled in a conversion community school established under Chapter 3314. of the Revised Code;	14666 14667 14668
(9) Performance of students grouped by those who are classified as English learners;	14669 14670
(10) Performance of students grouped by those who have disabilities;	14671 14672
(11) Performance of students grouped by those who are classified as migrants;	14673 14674

(12) Performance of students grouped by those who are identified as gifted in superior cognitive ability and the specific academic ability fields of reading and math pursuant to Chapter 3324. of the Revised Code. In disaggregating specific academic ability fields for gifted students, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field as well.

(13) Performance of students grouped by those who perform in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the ~~state board~~department.

The department may disaggregate data on student performance according to other categories that the department determines are appropriate. To the extent possible, the department shall disaggregate data on student performance according to any combinations of two or more of the categories listed in divisions (G) (1) to (13) of this section that it deems relevant.

In reporting data pursuant to division (G) of this section, the department shall not include in the report cards any data statistical in nature that is statistically unreliable or that could result in the identification of individual students. For this purpose, the department shall not report student performance data for any group identified in division (G) of this section that contains less than ten students. If the department does not report student performance data for a group because it contains less than ten students, the department shall indicate on the report card that is why data was not reported.

(H) The department may include with the report cards any

additional education and fiscal performance data it deems 14705
valuable. 14706

(I) The department shall include on each report card a 14707
list of additional information collected by the department that 14708
is available regarding the district or building for which the 14709
report card is issued. When available, such additional 14710
information shall include student mobility data disaggregated by 14711
race and socioeconomic status, college enrollment data, and the 14712
reports prepared under section 3302.031 of the Revised Code. 14713

The department shall maintain a site on the world wide 14714
web. The report card shall include the address of the site and 14715
shall specify that such additional information is available to 14716
the public at that site. The department shall also provide a 14717
copy of each item on the list to the superintendent of each 14718
school district. The district superintendent shall provide a 14719
copy of any item on the list to anyone who requests it. 14720

(J) (1) (a) Except as provided in division (J) (1) (b) of this 14721
section, for any district that sponsors a conversion community 14722
school under Chapter 3314. of the Revised Code, the department 14723
shall combine data regarding the academic performance of 14724
students enrolled in the community school with comparable data 14725
from the schools of the district for the purpose of determining 14726
the performance of the district as a whole on the report card 14727
issued for the district under this section or section 3302.033 14728
of the Revised Code. 14729

(b) The department shall not combine data from any 14730
conversion community school that a district sponsors if a 14731
majority of the students enrolled in the conversion community 14732
school are enrolled in a dropout prevention and recovery program 14733
that is operated by the school, as described in division (A) (4) 14734

(a) of section 3314.35 of the Revised Code. The department shall 14735
include as an addendum to the district's report card the ratings 14736
and performance measures that are required under section 14737
3314.017 of the Revised Code for any community school to which 14738
division (J) (1) (b) of this section applies. This addendum shall 14739
include, at a minimum, the data specified in divisions (C) (1) 14740
(a), (C) (2), and (C) (3) of section 3314.017 of the Revised Code. 14741

(2) Any district that leases a building to a community 14742
school located in the district or that enters into an agreement 14743
with a community school located in the district whereby the 14744
district and the school endorse each other's programs may elect 14745
to have data regarding the academic performance of students 14746
enrolled in the community school combined with comparable data 14747
from the schools of the district for the purpose of determining 14748
the performance of the district as a whole on the district 14749
report card. Any district that so elects shall annually file a 14750
copy of the lease or agreement with the department. 14751

(3) Any municipal school district, as defined in section 14752
3311.71 of the Revised Code, that sponsors a community school 14753
located within the district's territory, or that enters into an 14754
agreement with a community school located within the district's 14755
territory whereby the district and the community school endorse 14756
each other's programs, may exercise either or both of the 14757
following elections: 14758

(a) To have data regarding the academic performance of 14759
students enrolled in that community school combined with 14760
comparable data from the schools of the district for the purpose 14761
of determining the performance of the district as a whole on the 14762
district's report card; 14763

(b) To have the number of students attending that 14764

community school noted separately on the district's report card. 14765

The election authorized under division (J) (3) (a) of this 14766
section is subject to approval by the governing authority of the 14767
community school. 14768

Any municipal school district that exercises an election 14769
to combine or include data under division (J) (3) of this 14770
section, by the first day of October of each year, shall file 14771
with the department documentation indicating eligibility for 14772
that election, as required by the department. 14773

(K) The department shall include on each report card the 14774
percentage of teachers in the district or building who are 14775
properly certified or licensed teachers, as defined in section 14776
3319.074 of the Revised Code, and a comparison of that 14777
percentage with the percentages of such teachers in similar 14778
districts and buildings. 14779

(L) (1) In calculating English language arts, mathematics, 14780
science, American history, or American government assessment 14781
passage rates used to determine school district or building 14782
performance under this section, the department shall include all 14783
students taking an assessment with accommodation or to whom an 14784
alternate assessment is administered pursuant to division (C) (1) 14785
or (3) of section 3301.0711 of the Revised Code and all students 14786
who take substitute examinations approved under division (B) (4) 14787
of section 3301.0712 of the Revised Code in the subject areas of 14788
science, American history and American government. 14789

(2) In calculating performance index scores, rates of 14790
achievement on the performance indicators established by the 14791
~~state board~~ department under section 3302.02 of the Revised 14792
Code, and annual measurable objectives for determining adequate 14793

yearly progress for school districts and buildings under this 14794
section, the department shall do all of the following: 14795

(a) Include for each district or building only those 14796
students who are included in the ADM certified for the first 14797
full school week of October and are continuously enrolled in the 14798
district or building through the time of the spring 14799
administration of any assessment prescribed by division (A) (1) 14800
or (B) (1) of section 3301.0710 or division (B) of section 14801
3301.0712 of the Revised Code that is administered to the 14802
student's grade level; 14803

(b) Include cumulative totals from both the fall and 14804
spring administrations of the third grade English language arts 14805
achievement assessment and, to the extent possible, the summer 14806
administration of that assessment; 14807

(c) Except as required by the No Child Left Behind Act of 14808
2001, exclude for each district or building any English learner 14809
who has been enrolled in United States schools for less than one 14810
full school year. 14811

(M) Beginning with the 2015-2016 school year and at least 14812
once every three years thereafter, the ~~state board of education~~ 14813
department shall review and may adjust the benchmarks for 14814
assigning letter grades or performance ratings to the 14815
performance measures and components prescribed under divisions 14816
(C) (3), (D), and (E) of this section. 14817

Sec. 3302.031. In addition to the report cards required 14818
under section 3302.03 of the Revised Code, the department of 14819
education and workforce shall annually prepare the following 14820
reports for each school district and make a copy of each report 14821
available to the superintendent of each district: 14822

(A) A funding and expenditure accountability report which 14823
shall consist of the amount of state aid payments the school 14824
district will receive during the fiscal year under Chapter 3317. 14825
of the Revised Code and any other fiscal data the department 14826
determines is necessary to inform the public about the financial 14827
status of the district; 14828

(B) A school safety and discipline report which shall 14829
consist of statistical information regarding student safety and 14830
discipline in each school building, including the number of 14831
suspensions and expulsions disaggregated according to race and 14832
gender; 14833

(C) A student equity report which shall consist of at 14834
least a description of the status of teacher qualifications, 14835
library and media resources, textbooks, classroom materials and 14836
supplies, and technology resources for each district. To the 14837
extent possible, the information included in the report required 14838
under this division shall be disaggregated according to grade 14839
level, race, gender, disability, and scores attained on 14840
assessments required under sections 3301.0710 and 3301.0712 of 14841
the Revised Code. 14842

(D) A school enrollment report which shall consist of 14843
information about the composition of classes within each 14844
district by grade and subject disaggregated according to race, 14845
gender, and scores attained on assessments required under 14846
sections 3301.0710 and 3301.0712 of the Revised Code; 14847

(E) A student retention report which shall consist of the 14848
number of students retained in their respective grade levels in 14849
the district disaggregated by grade level, subject area, race, 14850
gender, and disability; 14851

(F) A school district performance report which shall 14852
describe for the district and each building within the district 14853
the extent to which the district or building meets each of the 14854
applicable performance indicators established under section 14855
3302.02 of the Revised Code, the number of performance 14856
indicators that have been achieved, and the performance index 14857
score. In calculating the rates of achievement on the 14858
performance indicators and the performance index scores for each 14859
report, the department shall exclude all students with 14860
disabilities. 14861

Sec. 3302.032. (A) ~~Not later than December 31, 2011, the~~ 14862
~~state board~~ The department of education and workforce shall 14863
establish a measure of the following: 14864

(1) Student success in meeting the benchmarks contained in 14865
the physical education standards adopted under division (A) (3) 14866
of section 3301.079 of the Revised Code; 14867

(2) Compliance with the requirements for local wellness 14868
policies prescribed by section 204 of the "Child Nutrition and 14869
WIC Reauthorization Act of 2004," 42 U.S.C. 1751 note; 14870

(3) Whether a school district or building has elected to 14871
administer the screenings authorized by sections 3313.674, 14872
3314.15, and 3326.26 of the Revised Code; 14873

(4) Whether a school district or building is participating 14874
in the physical activity pilot program administered under 14875
section 3313.6016 of the Revised Code. 14876

(B) The measure shall be included on the school district 14877
and building report cards issued under section 3302.03 of the 14878
Revised Code, beginning with the report cards issued for the 14879
2012-2013 school year, but it shall not be a factor in the 14880

performance ratings issued under that section. 14881

(C) The department ~~of education~~ may accept, receive, and 14882
expend gifts, devises, or bequests of money for the purpose of 14883
establishing the measure required by this section. 14884

Sec. 3302.033. The ~~state board~~ department of education and 14885
workforce, in consultation with the chancellor of ~~the Ohio board~~ 14886
~~of regents higher education~~, any office within the office of the 14887
governor concerning workforce development, the Ohio association 14888
of career and technical education, the Ohio association of city 14889
career-technical schools, and the Ohio association of career- 14890
technical superintendents, shall approve a report card for joint 14891
vocational school districts and for other career-technical 14892
planning districts that are not joint vocational school 14893
districts, which may contain disaggregated data for each joint 14894
vocational school district, if applicable. The ~~state board~~ 14895
department shall submit details of the approved report card to 14896
the governor, the speaker of the house of representatives, the 14897
president of the senate, and the chairpersons of the standing 14898
committees of the house of representatives and the senate 14899
principally responsible for education policy. The department ~~of~~ 14900
~~education~~ annually shall issue a report card for each joint 14901
vocational school district and other career-technical planning 14902
districts that are not joint vocational school districts, 14903
beginning with report cards for the 2012-2013 school year to be 14904
published not later than September 1, 2013. 14905

As used in this section, "career-technical planning 14906
district" means a school district or group of school districts 14907
designated by the department as being responsible for the 14908
planning for and provision of career-technical education 14909
services to students within the district or group. 14910

Sec. 3302.034. (A) ~~Not later than December 31, 2013, the~~ 14911
~~state board~~ The department of education and workforce shall 14912
adopt and specify measures in addition to those included on the 14913
report card issued under section 3302.03 of the Revised Code. 14914
The measures adopted under this section shall be reported 14915
separately, as specified under division (B) of this section, for 14916
each school district, each building in a district, each 14917
community school established under Chapter 3314., each STEM 14918
school established under Chapter 3326., and each college- 14919
preparatory boarding school established under Chapter 3328. of 14920
the Revised Code. The measures shall include at least the 14921
following: 14922

(1) Data for students who have passed over a grade or 14923
subject area under an acceleration policy prescribed under 14924
section 3324.10 of the Revised Code; 14925

(2) The number of students who are economically 14926
disadvantaged as determined by the ~~department of education~~; 14927

(3) The number of lead teachers employed by each district 14928
and each building once the data is available through the 14929
education management information system established under 14930
section 3301.0714 of the Revised Code; 14931

(4) The amount of students screened and identified as 14932
gifted under Chapter 3324. of the Revised Code; 14933

(5) Postgraduate student outcome data as described under 14934
division (E) (2) (d) (ii) of section 3314.017 of the Revised Code; 14935

(6) Availability of courses in fine arts; 14936

(7) Participation with other school districts to provide 14937
career-technical education services to students. 14938

(B) The department shall report this information annually 14939
beginning with the 2013-2014 school year and make this 14940
information available on its web site for comparison purposes. 14941

Sec. 3302.035. (A) Not later than October 1, 2015, and not 14942
later than the first day of October each year thereafter, the 14943
department of education and workforce shall report for each 14944
school district, each community school established under Chapter 14945
3314., each STEM school established under Chapter 3326., and 14946
each college-preparatory boarding school established under 14947
Chapter 3328. of the Revised Code, the following measures for 14948
students with disabilities enrolled in that school district or 14949
community, STEM, or college-preparatory boarding school: 14950

(1) The value-added progress dimension score disaggregated 14951
for that subgroup, as determined by the department; 14952

(2) The performance index score for that subgroup, as 14953
defined under division (A) of section 3302.01 of the Revised 14954
Code; 14955

(3) The four- and five-year adjusted cohort graduation 14956
rates, as defined under divisions (G) (1) and (2) of section 14957
3302.01 of the Revised Code, for that subgroup. 14958

(B) The department shall make each report completed 14959
pursuant to division (A) of this section available on its web 14960
site for comparison purposes. 14961

Sec. 3302.036. (A) Notwithstanding anything in the Revised 14962
Code to the contrary, the department of education and workforce 14963
shall not assign an overall letter grade under division (C) (3) 14964
of section 3302.03 of the Revised Code for any school district 14965
or building for the 2014-2015, 2015-2016, or 2016-2017 school 14966
years, may, at the discretion of the ~~state board of education~~ 14967

department, not assign an individual grade to any component 14968
prescribed under division (C) (3) of section 3302.03 of the 14969
Revised Code, and shall not rank school districts, community 14970
schools established under Chapter 3314. of the Revised Code, or 14971
STEM schools established under Chapter 3326. of the Revised Code 14972
under section 3302.21 of the Revised Code for those school 14973
years. The report card ratings issued for the 2014-2015, 2015- 14974
2016, or 2016-2017 school years shall not be considered in 14975
determining whether a school district or a school is subject to 14976
sanctions or penalties. However, the report card ratings of any 14977
previous or subsequent years shall be considered in determining 14978
whether a school district or building is subject to sanctions or 14979
penalties. Accordingly, the report card ratings for the 2014- 14980
2015, 2015-2016, or 2016-2017 school years shall have no effect 14981
in determining sanctions or penalties, but shall not create a 14982
new starting point for determinations that are based on ratings 14983
over multiple years. 14984

(B) The provisions from which a district or school is 14985
exempt under division (A) of this section shall be the 14986
following: 14987

(1) Any restructuring provisions established under this 14988
chapter, except as required under the "No Child Left Behind Act 14989
of 2001"; 14990

(2) Provisions for the Columbus city school pilot project 14991
under section 3302.042 of the Revised Code; 14992

(3) Provisions for academic distress commissions under 14993
former section 3302.10 of the Revised Code as it existed prior 14994
to October 15, 2015. The provisions of this section do not apply 14995
to academic distress commissions under the version of that 14996
section as it exists on or after October 15, 2015. 14997

(4) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code; 14998
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(5) Provisions defining "challenged school districts" in which new start-up community schools were required to be located, as prescribed in section 3314.02 of the Revised Code as it existed prior to ~~the effective date of this amendment~~ September 30, 2021; 15001
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(6) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code. 15006
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(C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B) (2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or 2016-2017 school years as a factor in any decision to promote or to deny the student promotion to a higher grade level or in any decision to grant course credit. No individual student score reports on such assessments administered in the 2014-2015, 2015-2016, or 2016-2017 school years shall be released, except to a student's school district or school or to the student or the student's parent or guardian. 15009
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Sec. 3302.037. (A) Not more than thirty days after the department of education and workforce issues report cards under section 3302.03 of the Revised Code, each school district and school building shall do the following: 15023
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(1) Notify parents that the report card has been released 15027
and how parents can access the report card. Notification may 15028
include mailed letters, emails, newsletters, or any other 15029
proactive notification method used by districts and buildings to 15030
contact parents. 15031

(2) Include a link to the report card on the district's or 15032
school's web site. 15033

(B) Each superintendent of a school district shall present 15034
the results of the district's report card to the school district 15035
board of education not later than thirty days after the report 15036
cards are issued under section 3302.03 of the Revised Code. 15037

Sec. 3302.038. Not later than December 31, 2024, the 15038
department of education and workforce shall issue a report 15039
regarding the effectiveness of the state report cards issued 15040
under section 3302.03 of the Revised Code. In preparing the 15041
report, the department shall study the data included in the 15042
state report cards issued for the 2021-2022, 2022-2023, and 15043
2023-2024 school years. Based on that study, the department 15044
shall include in the report any recommendations for changes or 15045
improvements to the state report card. 15046

The department shall submit the report to the speaker of 15047
the house of representatives, the president of the senate, and 15048
the chairpersons of the standing committees of the house of 15049
representatives and the senate that consider education 15050
legislation. 15051

Sec. 3302.039. (A) The state report card review committee 15052
is hereby established on July 1, 2023. 15053

(B) The committee established under this section shall 15054
consist of the following members: 15055

(1) Two members of the house of representatives, both of whom shall not be members of the same political party, appointed by the speaker of the house of representatives. The minority leader of the house of representatives may recommend to the speaker of the house of representatives a member of the minority leader's political party to serve on the committee.

(2) Two members of the senate, both of whom shall not be members of the same political party, appointed by the president of the senate. The minority leader of the senate may recommend to the president of the senate a member of the minority leader's political party to serve on the committee.

(3) The ~~superintendent-director~~ of ~~public-instruction~~education and workforce, or the ~~state-superintendent's~~director's designee;

(4) The following members appointed by the ~~state-superintendent~~director:

(a) A classroom teacher who provides instruction in an elementary school;

(b) A classroom teacher who provides instruction in a high school;

(c) An individual with experience in providing services to students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code;

(d) An individual with experience in providing special education or related services to children with disabilities under Chapter 3323. of the Revised Code;

(e) An individual representing a chartered nonpublic

school; 15084

(f) A representative of the business community; 15085

(g) The parent of a child enrolled in any of grades 15086
kindergarten through twelve; 15087

(h) A representative of community schools established 15088
under Chapter 3314. of the Revised Code; 15089

(i) Two school district superintendents and one school 15090
principal. The state superintendent shall ensure that the 15091
representatives appointed under division (B) (4) (i) of this 15092
section represent urban, suburban, and rural school districts. 15093

(5) The member of the house of representatives appointed 15094
under division (B) (1) of this section, who is of the majority 15095
party, and the member of the senate appointed under division (B) 15096
(2) of this section, who is of the majority party, shall serve 15097
as co-chairpersons of the committee. 15098

(C) The committee established under this section shall 15099
conduct a study of the state report cards issued under section 15100
3302.03 of the Revised Code for the 2022-2023 school year and 15101
prior school years. Based on that study, the committee shall 15102
make recommendations for improvements, corrections, and 15103
clarifications to the state report card. 15104

Not later than June 30, 2024, the chairpersons of the 15105
committee shall submit a report of its findings to the ~~state-~~ 15106
~~board of education~~ director and the chairpersons of the standing 15107
committees of the house of representatives and the senate that 15108
consider primary and secondary education legislation. 15109

Sec. 3302.04. ~~As used in divisions (A), (C), and (D) of~~ 15110
~~this section, for the 2014-2015 school year, and for each school-~~ 15111

~~year thereafter, when a provision refers to a school district or school building in a state of academic emergency, it shall mean a district or building rated "F"; when a provision refers to a school district or school building under an academic watch, it shall mean a district or building rated "D"; and when a provision refers to a school district or school building in need of continuous improvement, it shall mean a district or building rated "C" as those letter grade ratings for overall performance are assigned under division (C) (3) of section 3302.03 of the Revised Code, as it exists on or after March 22, 2013.~~

(A) The department of education and workforce shall establish a system of intensive, ongoing support for the improvement of school districts and school buildings. In accordance with the model of differentiated accountability described in section 3302.041 of the Revised Code, the system shall give priority to ~~the following:~~

~~(1) For any school year prior to the 2012-2013 school year, districts and buildings that have been declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code;~~

~~(2) For the 2012-2013 school year, and for each school year thereafter,~~ districts and buildings in the manner prescribed by any agreement currently in force between the department of education and workforce and the United States department of education. The department of education and workforce shall endeavor to include schools and buildings that receive grades or performance ratings under section 3302.03 of the Revised Code that the department considers to be low performing.

The system shall include services provided to districts

and buildings through regional service providers, such as 15142
educational service centers. The system may include the 15143
appointment of an improvement coordinator for any of the lowest 15144
performing districts, as determined by the department of 15145
education and workforce, to coordinate the district's academic 15146
improvement efforts and to build support among the community for 15147
those efforts. 15148

~~(B) This division does not apply to any school district 15149
after June 30, 2008. 15150~~

~~When a school district has been notified by the department 15151
pursuant to section 3302.03 of the Revised Code that the 15152
district or a building within the district has failed to make 15153
adequate yearly progress for two consecutive school years, the 15154
district shall develop a three year continuous improvement plan 15155
for the district or building containing each of the following: 15156~~

~~(1) An analysis of the reasons for the failure of the 15157
district or building to meet any of the applicable performance 15158
indicators established under section 3302.02 of the Revised Code 15159
that it did not meet and an analysis of the reasons for its 15160
failure to make adequate yearly progress; 15161~~

~~(2) Specific strategies that the district or building will 15162
use to address the problems in academic achievement identified 15163
in division (B)(1) of this section; 15164~~

~~(3) Identification of the resources that the district will 15165
allocate toward improving the academic achievement of the 15166
district or building; 15167~~

~~(4) A description of any progress that the district or 15168
building made in the preceding year toward improving its 15169
academic achievement; 15170~~

~~(5) An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;~~ 15171
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~~(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.~~ 15174
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~~No three year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.~~ 15177
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~~(C)(1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.~~ 15185
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~~(2) For the 2012-2013 school year, and for each school year thereafter, a A district or building that meets the conditions for intervention prescribed by the agreement described in division ~~(A)(2)~~ (A) of this section shall be subject to any rules establishing such intervention.~~ 15193
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~~(D)(1) For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district~~ 15198
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~~or building is declared to be in a state of academic emergency— 15200
under section 3302.03 of the Revised Code, the department may— 15201
initiate a site evaluation of the building or school district.— 15202~~

~~(2) For the 2012-2013 school year, and for each school— 15203
year thereafter, the—(C) The department of education and 15204
workforce may initiate a site evaluation of a building or school 15205
district that meets the conditions for a site evaluation 15206
prescribed by the agreement described in division ~~(A) (2)~~—(A) of 15207
this section. 15208~~

~~(3) Division (D) (3) of this section does not apply to any 15209
school district after June 30, 2008.— 15210~~

~~If any school district that is declared to be in a state— 15211
of academic emergency or in a state of academic watch under— 15212
section 3302.03 of the Revised Code or encompasses a building— 15213
that is declared to be in a state of academic emergency or in a 15214
state of academic watch fails to demonstrate to the department— 15215
satisfactory improvement of the district or applicable buildings— 15216
or fails to submit to the department any information required— 15217
under rules established by the state board of education, prior— 15218
to approving a three-year continuous improvement plan under— 15219
rules established by the state board of education, the— 15220
department shall conduct a site evaluation of the school— 15221
district or applicable buildings to determine whether the school 15222
district is in compliance with minimum standards established by— 15223
law or rule.— 15224~~

~~(4) Division (D) (4) of this section does not apply to any 15225
school district after June 30, 2008. Site evaluations conducted— 15226
under divisions (D) (1), (2), and (3) of this section shall— 15227
include, but not be limited to, the following:— 15228~~

(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;	15229
	15230
(b) Determining pupil-teacher ratios;	15231
(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;	15232
	15233
(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are available;	15234
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	15236
(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;	15237
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	15239
(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.	15240
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	15242
(E) <u>(D)</u> This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D) (2) of section 3313.97 of the Revised Code.	15243
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	15248
(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following:	15249
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	15251
(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic	15252
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performance of the building and any progress achieved toward 15257
that goal in the immediately preceding school year. 15258

(b) If the building receives funds under Title I, Part A 15259
of the "Elementary and Secondary Education Act of 1965," 20 15260
U.S.C. 6311 to 6339, from the district, in accordance with 15261
section 3313.97 of the Revised Code, offer all students enrolled 15262
in the building the opportunity to enroll in an alternative 15263
building within the district that is not in school improvement 15264
status as defined by the "No Child Left Behind Act of 2001." 15265
Notwithstanding Chapter 3327. of the Revised Code, the district 15266
shall spend an amount equal to twenty per cent of the funds it 15267
receives under Title I, Part A of the "Elementary and Secondary 15268
Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide 15269
transportation for students who enroll in alternative buildings 15270
under this division, unless the district can satisfy all demand 15271
for transportation with a lesser amount. If an amount equal to 15272
twenty per cent of the funds the district receives under Title 15273
I, Part A of the "Elementary and Secondary Education Act of 15274
1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all 15275
demand for transportation, the district shall grant priority 15276
over all other students to the lowest achieving students among 15277
the subgroup described in division (B) (3) of section 3302.01 of 15278
the Revised Code in providing transportation. Any district that 15279
does not receive funds under Title I, Part A of the "Elementary 15280
and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, 15281
shall not be required to provide transportation to any student 15282
who enrolls in an alternative building under this division. 15283

(2) For any school building that fails to make adequate 15284
yearly progress for three consecutive school years, the district 15285
shall do both of the following: 15286

(a) If the building receives funds under Title I, Part A 15287
of the "Elementary and Secondary Education Act of 1965," 20 15288
U.S.C. 6311 to 6339, from the district, in accordance with 15289
section 3313.97 of the Revised Code, provide all students 15290
enrolled in the building the opportunity to enroll in an 15291
alternative building within the district that is not in school 15292
improvement status as defined by the "No Child Left Behind Act 15293
of 2001." Notwithstanding Chapter 3327. of the Revised Code, the 15294
district shall provide transportation for students who enroll in 15295
alternative buildings under this division to the extent required 15296
under division ~~(E) (2)~~ (D) (2) of this section. 15297

(b) If the building receives funds under Title I, Part A 15298
of the "Elementary and Secondary Education Act of 1965," 20 15299
U.S.C. 6311 to 6339, from the district, offer supplemental 15300
educational services to students who are enrolled in the 15301
building and who are in the subgroup described in division (B) 15302
(3) of section 3302.01 of the Revised Code. 15303

The district shall spend a combined total of an amount 15304
equal to twenty per cent of the funds it receives under Title I, 15305
Part A of the "Elementary and Secondary Education Act of 1965," 15306
20 U.S.C. 6311 to 6339, to provide transportation for students 15307
who enroll in alternative buildings under division ~~(E) (1) (b)~~ (D) 15308
(1) (b) or ~~(E) (2) (a)~~ (D) (2) (a) of this section and to pay the 15309
costs of the supplemental educational services provided to 15310
students under division ~~(E) (2) (b)~~ (D) (2) (b) of this section, 15311
unless the district can satisfy all demand for transportation 15312
and pay the costs of supplemental educational services for those 15313
students who request them with a lesser amount. In allocating 15314
funds between the requirements of divisions ~~(E) (1) (b)~~ (D) (1) (b) 15315
and ~~(E) (2) (a)~~ (D) (2) (a) and (b) of this section, the district 15316
shall spend at least an amount equal to five per cent of the 15317

funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under division ~~(E) (1) (b)~~ (D) (1) (b) or ~~(E) (2) (a)~~ (D) (2) (a) of this section, unless the district can satisfy all demand for transportation with a lesser amount, and at least an amount equal to five per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the supplemental educational services provided to students under division ~~(E) (2) (b)~~ (D) (2) (b) of this section, unless the district can pay the costs of such services for all students requesting them with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation under divisions ~~(E) (1) (b)~~ (D) (1) (b) and ~~(E) (2) (a)~~ (D) (2) (a) of this section and to pay the costs of all of the supplemental educational services provided to students under division ~~(E) (2) (b)~~ (D) (2) (b) of this section, the district shall grant priority over all other students in providing transportation and in paying the costs of supplemental educational services to the lowest achieving students among the subgroup described in division (B) (3) of section 3302.01 of the Revised Code.

Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under division ~~(E) (2) (a)~~ (D) (2) (a) of this section or to pay the costs of supplemental educational services provided

to any student under division ~~(E)(2)(b)~~(D)(2)(b) of this 15349
section. 15350

No student who enrolls in an alternative building under 15351
division ~~(E)(2)(a)~~(D)(2)(a) of this section shall be eligible 15352
for supplemental educational services under division ~~(E)(2)(b)~~(D)(2)(b) of this section. 15353
15354

(3) For any school building that fails to make adequate 15355
yearly progress for four consecutive school years, the district 15356
shall continue to comply with division ~~(E)(2)~~(D)(2) of this 15357
section and shall implement at least one of the following 15358
options with respect to the building: 15359

(a) Institute a new curriculum that is consistent with the 15360
statewide academic standards adopted pursuant to division (A) of 15361
section 3301.079 of the Revised Code; 15362

(b) Decrease the degree of authority the building has to 15363
manage its internal operations; 15364

(c) Appoint an outside expert to make recommendations for 15365
improving the academic performance of the building. The district 15366
may request the department to establish a state intervention 15367
team for this purpose pursuant to division ~~(G)~~(E) of this 15368
section. 15369

(d) Extend the length of the school day or year; 15370

(e) Replace the building principal or other key personnel; 15371

(f) Reorganize the administrative structure of the 15372
building. 15373

(4) For any school building that fails to make adequate 15374
yearly progress for five consecutive school years, the district 15375
shall continue to comply with division ~~(E)(2)~~(D)(2) of this 15376

section and shall develop a plan during the next succeeding 15377
school year to improve the academic performance of the building, 15378
which shall include at least one of the following options: 15379

(a) Reopen the school as a community school under Chapter 15380
3314. of the Revised Code; 15381

(b) Replace personnel; 15382

(c) Contract with a nonprofit or for-profit entity to 15383
operate the building; 15384

(d) Turn operation of the building over to the department; 15385

(e) Other significant restructuring of the building's 15386
governance. 15387

(5) For any school building that fails to make adequate 15388
yearly progress for six consecutive school years, the district 15389
shall continue to comply with division ~~(E) (2)~~ (D) (2) of this 15390
section and shall implement the plan developed pursuant to 15391
division ~~(E) (4)~~ (D) (4) of this section. 15392

(6) A district shall continue to comply with division ~~(E)~~ 15393
~~(1) (b)~~ (D) (1) (b) or ~~(E) (2)~~ (D) (2) of this section, whichever was 15394
most recently applicable, with respect to any building formerly 15395
subject to one of those divisions until the building makes 15396
adequate yearly progress for two consecutive school years. 15397

~~(F) This division applies only to school districts that~~ 15398
~~have been identified for improvement by the department pursuant~~ 15399
~~to the "No Child Left Behind Act of 2001." It does not apply to~~ 15400
~~any such district after June 30, 2008.~~ 15401

~~(1) If a school district has been identified for~~ 15402
~~improvement for one school year, the district shall provide a~~ 15403
~~written description of the continuous improvement plan developed~~ 15404

~~by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.~~ 15405
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~~(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F) (1) of this section.~~ 15412
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~~(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at least one of the following corrective actions with respect to the district:~~ 15417
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~~(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339;~~ 15421
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~~(b) Direct the district to replace key district personnel;~~ 15424

~~(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;~~ 15425
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~~(d) Establish alternative forms of governance for individual school buildings within the district;~~ 15428
15429

~~(e) Appoint a trustee to manage the district in place of the district superintendent and board of education.~~ 15430
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~~The department shall conduct individual audits of a~~ 15432

~~sampling of districts subject to this division to determine~~ 15433
~~compliance with the corrective actions taken by the department.~~ 15434

~~(4) If a school district has been identified for~~ 15435
~~improvement for four consecutive school years, the department~~ 15436
~~shall continue to monitor implementation of the corrective~~ 15437
~~action taken under division (F) (3) of this section with respect~~ 15438
~~to the district.~~ 15439

~~(5) If a school district has been identified for~~ 15440
~~improvement for five consecutive school years, the department~~ 15441
~~shall take at least one of the corrective actions identified in~~ 15442
~~division (F) (3) of this section with respect to the district,~~ 15443
~~provided that the corrective action the department takes is~~ 15444
~~different from the corrective action previously taken under~~ 15445
~~division (F) (3) of this section with respect to the district.~~ 15446

~~(G)~~ (E) The department may establish a state intervention 15447
team to evaluate all aspects of a school district or building, 15448
including management, curriculum, instructional methods, 15449
resource allocation, and scheduling. Any such intervention team 15450
shall be appointed by the department and shall include teachers 15451
and administrators recognized as outstanding in their fields. 15452
The intervention team shall make recommendations regarding 15453
methods for improving the performance of the district or 15454
building. 15455

The department shall not approve a district's request for 15456
an intervention team under division ~~(E) (3)~~ (D) (3) of this 15457
section if the department cannot adequately fund the work of the 15458
team, unless the district agrees to pay for the expenses of the 15459
team. 15460

~~(H)~~ (F) The department shall conduct individual audits of 15461

a sampling of community schools established under Chapter 3314. 15462
of the Revised Code to determine compliance with this section. 15463

~~(I)~~ (G) A school district in which the pilot project 15464
scholarship program is operating under sections 3313.974 to 15465
3313.979 of the Revised Code shall report the use of funding for 15466
tutorial assistance grants under that program in the district's 15467
three-year continuous improvement plan under this section in a 15468
manner approved by the department. 15469

~~(J)~~ (H) ~~The state board department of education and~~ 15470
workforce shall adopt rules for implementing this section. 15471

Sec. 3302.041. Beginning July 1, 2008, and contingent upon 15472
continued approval by the United States department of education, 15473
each school district that has been identified for improvement, 15474
or that contains a school building that has been identified for 15475
improvement, shall implement all corrective actions required by 15476
the model of differentiated accountability developed by the Ohio 15477
department of education and workforce and approved by the United 15478
States department of education. In any school year in which a 15479
district is subject to this division, the Ohio department of 15480
education and workforce shall notify the district, prior to the 15481
district's opening date, of the corrective actions it is 15482
required to implement in that school year. 15483

Sec. 3302.042. (A) This section shall operate as a pilot 15484
project that applies to any school that has been ranked 15485
according to performance index score under section 3302.21 of 15486
the Revised Code in the lowest five per cent of all public 15487
school buildings statewide for three or more consecutive school 15488
years and is operated by the Columbus city school district. The 15489
pilot project shall commence once the department of education_ 15490
and workforce establishes implementation guidelines for the 15491

pilot project in consultation with the Columbus city school district. 15492
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(B) Except as provided in division (D), (E), or (F) of this section, if the parents or guardians of at least fifty per cent of the students enrolled in a school to which this section applies, or if the parents or guardians of at least fifty per cent of the total number of students enrolled in that school and the schools of lower grade levels whose students typically matriculate into that school, by the thirty-first day of December of any school year in which the school is subject to this section, sign and file with the school district treasurer a petition requesting the district board of education to implement one of the following reforms in the school, and if the validity and sufficiency of the petition is certified in accordance with division (C) of this section, the board shall implement the requested reform in the next school year: 15494
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(1) Reopen the school as a community school under Chapter 3314. of the Revised Code; 15508
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(2) Replace at least seventy per cent of the school's personnel who are related to the school's poor academic performance or, at the request of the petitioners, retain not more than thirty per cent of the personnel; 15510
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(3) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school; 15514
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(4) Turn operation of the school over to the department; 15517

(5) Any other major restructuring of the school that makes fundamental reforms in the school's staffing or governance. 15518
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(C) Not later than thirty days after receipt of a petition 15520

under division (B) of this section, the district treasurer shall 15521
verify the validity and sufficiency of the signatures on the 15522
petition and certify to the district board whether the petition 15523
contains the necessary number of valid signatures to require the 15524
board to implement the reform requested by the petitioners. If 15525
the treasurer certifies to the district board that the petition 15526
does not contain the necessary number of valid signatures, any 15527
person who signed the petition may file an appeal with the 15528
county auditor within ten days after the certification. Not 15529
later than thirty days after the filing of an appeal, the county 15530
auditor shall conduct an independent verification of the 15531
validity and sufficiency of the signatures on the petition and 15532
certify to the district board whether the petition contains the 15533
necessary number of valid signatures to require the board to 15534
implement the requested reform. If the treasurer or county 15535
auditor certifies that the petition contains the necessary 15536
number of valid signatures, the district board shall notify the 15537
~~superintendent of public instruction and the state board of~~ 15538
~~education department~~ of the certification. 15539

(D) The district board shall not implement the reform 15540
requested by the petitioners in any of the following 15541
circumstances: 15542

(1) The district board has determined that the request is 15543
for reasons other than improving student academic achievement or 15544
student safety. 15545

(2) The ~~state superintendent department~~ has determined 15546
that implementation of the requested reform would not comply 15547
with the model of differentiated accountability described in 15548
section 3302.041 of the Revised Code. 15549

(3) The petitioners have requested the district board to 15550

implement the reform described in division (B) (4) of this 15551
section and the department has not agreed to take over the 15552
school's operation. 15553

(4) When all of the following have occurred: 15554

(a) After a public hearing on the matter, the district 15555
board issued a written statement explaining the reasons that it 15556
is unable to implement the requested reform and agreeing to 15557
implement one of the other reforms described in division (B) of 15558
this section. 15559

(b) The district board submitted its written statement to 15560
the ~~state superintendent and the state board~~ department along 15561
with evidence showing how the alternative reform the district 15562
board has agreed to implement will enable the school to improve 15563
its academic performance. 15564

(c) ~~Both the state superintendent and the state board have~~ 15565
The department has approved implementation of the alternative 15566
reform. 15567

(E) If the provisions of this section conflict in any way 15568
with the requirements of federal law, federal law shall prevail 15569
over the provisions of this section. 15570

(F) If a school is restructured under this section, 15571
section 3302.10 or 3302.12 of the Revised Code, or federal law, 15572
the school shall not be required to restructure again under 15573
state law for three consecutive years after the implementation 15574
of that prior restructuring. 15575

(G) Beginning not later than six months after the first 15576
petition under this section has been resolved, the department ~~of~~ 15577
~~education~~ shall annually evaluate the pilot program and submit a 15578
report to the general assembly under section 101.68 of the 15579

Revised Code. Such reports shall contain its recommendations to 15580
the general assembly with respect to the continuation of the 15581
pilot program, its expansion to other school districts, or the 15582
enactment of further legislation establishing the program 15583
statewide under permanent law. 15584

Sec. 3302.043. (A) As used in this section, "eligible 15585
district" means a city school district to which both of the 15586
following apply: 15587

(1) The district has persistently low performance ratings, 15588
as determined by the department of education and workforce, 15589
under section 3302.03 of the Revised Code. 15590

(2) The district is not subject to an academic distress 15591
commission under section 3302.10 of the Revised Code. 15592

(B) The department shall establish the career promise 15593
academy summer demonstration pilot program. Under the pilot 15594
program, which shall operate in the 2021-2022 and 2022-2023 15595
school years, the department shall solicit proposals from 15596
eligible districts to establish and operate a career promise 15597
academy during the summer to provide students entering ninth 15598
grade with intensive literacy instruction, internship or 15599
mentoring experiences, and instruction regarding academic 15600
preparedness skills, life skills, and financial literacy. The 15601
department shall approve one proposal based on the criteria 15602
prescribed under division (C) of this section. The department 15603
shall award a grant to the eligible district with an approved 15604
proposal. 15605

(C) The department shall adopt criteria under which to 15606
approve a proposal for a career promise academy, which shall 15607
include all of the following: 15608

(1) A requirement that the career promise academy operate	15609
as follows:	15610
(a) For four consecutive weeks in the summer of 2021;	15611
(b) For five consecutive weeks in the summer of 2022.	15612
(2) A requirement that not more than seventy-five students	15613
participate in the career promise academy in one summer;	15614
(3) A requirement for the eligible district to submit to	15615
the department, in a form and manner prescribed by the	15616
department, any data that the department and district jointly	15617
determine is necessary to evaluate the pilot program;	15618
(4) A method to determine student eligibility to	15619
participate in the career promise academy. The method shall	15620
identify students entering ninth grade who are at risk of not	15621
qualifying for a high school diploma based on the student's	15622
scores on the English language arts and mathematics assessments	15623
prescribed under division (A) (1) (f) of section 3301.0710 of the	15624
Revised Code and other academic or social-emotional factors.	15625
(5) A description of the instruction and internship or	15626
mentoring experiences that participating students will receive;	15627
(6) An agreement with the district's business advisory	15628
council established under section 3313.82 of the Revised Code	15629
and other organizations or businesses to identify or provide	15630
internship and mentoring experiences to participating students;	15631
(7) An agreement with at least one institution of higher	15632
education to identify and engage with prospective teachers to	15633
serve as mentors and academic coaches to participating students.	15634
(D) The department shall adopt guidelines and procedures	15635
to operate the pilot program established under this section.	15636

Sec. 3302.05. The ~~state board~~ department of education and 15637
workforce shall adopt rules freeing school districts from 15638
specified state mandates if one of the following applies: 15639

(A) For the 2011-2012 school year, the school district was 15640
declared to be excellent under section 3302.03 of the Revised 15641
Code, as that section existed prior to March 22, 2013, and had 15642
above expected growth in the overall value-added measure. 15643

(B) For the 2012-2013 school year, the school district 15644
received a grade of "A" for the number of performance indicators 15645
met under division (A) (1) (c) of section 3302.03 of the Revised 15646
Code and for the value-added dimension under division (A) (1) (e) 15647
of section 3302.03 of the Revised Code. 15648

(C) For the 2013-2014, 2014-2015, or 2015-2016 school 15649
year, the school district received a grade of "A" for the number 15650
of performance indicators met under division (B) (1) (c) of 15651
section 3302.03 of the Revised Code and for the value-added 15652
dimension under division (B) (1) (e) of section 3302.03 of the 15653
Revised Code. 15654

(D) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, or 15655
2020-2021 school year, the school district received an overall 15656
grade of "A" under division (C) (3) of section 3302.03 of the 15657
Revised Code. 15658

~~(F)~~ (E) For the 2021-2022 school year and for each school 15659
year thereafter, the school district received an overall 15660
performance rating of five stars under division (D) (3) of 15661
section 3302.03 of the Revised Code. 15662

Any mandates included in the rules shall be only those 15663
statutes or rules pertaining to state education requirements. 15664
The rules shall not exempt districts from any operating standard 15665

adopted under division (D) (3) of section 3301.07 of the Revised Code. 15666
15667

Sec. 3302.06. (A) Any school of a city, exempted village, 15668
or local school district may apply to the district board of 15669
education to be designated as an innovation school. Each 15670
application shall include an innovation plan that contains the 15671
following: 15672

(1) A statement of the school's mission and an explanation 15673
of how the designation would enhance the school's ability to 15674
fulfill its mission; 15675

(2) A description of the innovations the school would 15676
implement; 15677

(3) An explanation of how implementation of the 15678
innovations described in division (A) (2) of this section would 15679
affect the school's programs and policies, including any of the 15680
following that apply: 15681

(a) The school's educational program; 15682

(b) The length of the school day and the school year; 15683

(c) The school's student promotion policy; 15684

(d) The school's plan for the assessment of students; 15685

(e) The school's budget; 15686

(f) The school's staffing levels. 15687

(4) A description of the improvements in student academic 15688
performance that the school expects to achieve by implementing 15689
the innovations described in division (A) (2) of this section; 15690

(5) An estimate of the cost savings and increased 15691
efficiencies, if any, that the school expects to achieve by 15692

implementing the innovations described in division (A) (2) of 15693
this section; 15694

(6) A description of any laws in Title XXXIII of the 15695
Revised Code, rules adopted by the ~~state board~~ department of 15696
education and workforce, or requirements enacted by the district 15697
board that would need to be waived to implement the innovations 15698
described in division (A) (2) of this section; 15699

(7) A description of any provisions of a collective 15700
bargaining agreement covering personnel of the school that would 15701
need to be waived to implement the innovations described in 15702
division (A) (2) of this section; 15703

(8) Evidence that a majority of the administrators 15704
assigned to the school and a majority of the teachers assigned 15705
to the school consent to seeking the designation and a statement 15706
of the level of support for seeking the designation demonstrated 15707
by other staff working in the school, students enrolled in the 15708
school and their parents, and members of the community in which 15709
the school is located. 15710

(B) Two or more schools of the district may apply to the 15711
district board to be designated as an innovation school zone, if 15712
the schools share common interests based on factors such as 15713
geographical proximity or similar educational programs or if the 15714
schools serve the same classes of students as they advance to 15715
higher grade levels. Each application shall include an 15716
innovation plan that contains the information prescribed by 15717
divisions (A) (1) to (8) of this section for each participating 15718
school and the following additional information: 15719

(1) A description of how innovations in the participating 15720
schools would be integrated to achieve results that would be 15721

less likely to be achieved by each participating school alone; 15722

(2) An estimate of any economies of scale that would be 15723
realized by implementing innovations jointly. 15724

Sec. 3302.062. (A) If a school district board of education 15725
approves an application under division (B) (1) of section 15726
3302.061 of the Revised Code or designates an innovation school 15727
or innovation school zone under division (D) of that section, 15728
the district board shall apply to the ~~state board~~ department of 15729
education and workforce for designation as a school district of 15730
innovation by submitting to the ~~state board~~ department the 15731
innovation plan included in the approved application or created 15732
by the district board. 15733

Within sixty days after receipt of the application, the 15734
~~state board~~ department shall designate the district as a school 15735
district of innovation, unless the ~~state board~~ department 15736
determines that the submitted innovation plan is not financially 15737
feasible or will likely result in decreased academic 15738
achievement. If the ~~state board~~ department so determines, it 15739
shall provide a written explanation of the basis for its 15740
determination to the district board. If the district is not 15741
designated as a school district of innovation, the district 15742
board shall not implement the innovation plan. However, the 15743
district board may reapply for designation as a school district 15744
of innovation at any time. 15745

(B) A district board may request the ~~state board~~ 15746
department to make a preliminary review of an innovation plan 15747
prior to the district board's formal application for designation 15748
as a school district of innovation. In that case, the ~~state~~ 15749
~~board~~ department shall review the innovation plan and, within 15750
sixty days after the request, recommend to the district board 15751

any changes or additions that the ~~state board department~~ 15752
believes will improve the plan, which may include further 15753
innovations or measures to increase the likelihood that the 15754
innovations will result in higher academic achievement. The 15755
district board may revise the innovation plan prior to making 15756
formal application for designation as a school district of 15757
innovation. 15758

Sec. 3302.063. (A) Except as provided in division (B) of 15759
this section, upon designation of a school district of 15760
innovation under section 3302.062 of the Revised Code, the ~~state-~~ 15761
~~board department~~ of education and workforce shall waive any laws 15762
in Title XXXVIII of the Revised Code or rules adopted by the 15763
~~state board department~~ that are specified in the innovation plan 15764
submitted by the district board of education as needing to be 15765
waived to implement the plan. The waiver shall apply only to the 15766
school or schools participating in the innovation plan and shall 15767
not apply to the district as a whole, unless each of the 15768
district's schools is a participating school. The waiver shall 15769
cease to apply to a school if the school's designation as an 15770
innovation school is revoked or the innovation school zone in 15771
which the school participates has its designation revoked under 15772
section 3302.065 of the Revised Code, or if the school is 15773
removed from an innovation school zone under that section or 15774
section 3302.064 of the Revised Code. 15775

(B) The ~~state board department~~ shall not waive any law or 15776
rule regarding the following: 15777

(1) Funding for school districts under Chapter 3317. of 15778
the Revised Code; 15779

(2) The requirements of Chapters 3323. and 3324. of the 15780
Revised Code for the provision of services to students with 15781

disabilities and gifted students;	15782
(3) Requirements related to the provision of career-technical education that are necessary to comply with federal law or maintenance of effort provisions;	15783 15784 15785
(4) Administration of the assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code;	15786 15787 15788
(5) Requirements related to the issuance of report cards and the assignment of performance ratings under section 3302.03 of the Revised Code;	15789 15790 15791
(6) Implementation of the model of differentiated accountability under section 3302.041 of the Revised Code;	15792 15793
(7) Requirements for the reporting of data to the department of education <u>and workforce</u> ;	15794 15795
(8) Criminal records checks of school employees;	15796
(9) The requirements of Chapters 3307. and 3309. regarding the retirement systems for teachers and school employees.	15797 15798
(C) If a district board's revisions to an innovation plan under section 3302.066 of the Revised Code require a waiver of additional laws or state board <u>department</u> rules, the state board <u>department</u> shall grant a waiver from those laws or rules upon evidence that administrators and teachers have consented to the revisions as required by that section.	15799 15800 15801 15802 15803 15804
Sec. 3302.066. A school district board of education may revise an innovation plan approved or created under section 3302.061 of the Revised Code, in collaboration with the school or schools participating in the plan, to further improve student academic performance. The revisions may include identifying	15805 15806 15807 15808 15809

additional laws in Title XXXVIII of the Revised Code, rules 15810
adopted by the ~~state board~~ department of education and 15811
workforce, requirements enacted by the district board, or 15812
provisions of a collective bargaining agreement that need to be 15813
waived. Any revisions to an innovation plan shall require the 15814
consent, in each school participating in the plan, of a majority 15815
of the administrators assigned to that school and a majority of 15816
the teachers assigned to that school. 15817

Sec. 3302.068. Not later than the first day of July each 15818
year, the department of education and workforce shall issue, and 15819
post on its web site, a report on school districts of 15820
innovation. The report shall include the following information: 15821

(A) The number of districts designated as school districts 15822
of innovation in the preceding school year and the total number 15823
of school districts of innovation statewide; 15824

(B) The number of innovation schools in each school 15825
district of innovation and the number of district students 15826
served by the schools, expressed as a total number and as a 15827
percentage of the district's total student population; 15828

(C) The number of innovation school zones in each school 15829
district of innovation, the number of schools participating in 15830
each zone, and the number of district students served by the 15831
participating schools, expressed as a total number and as a 15832
percentage of the district's total student population; 15833

(D) An overview of the innovations implemented in 15834
innovation schools and innovation school zones; 15835

(E) Data on the academic performance of the students 15836
enrolled in an innovation school or an innovation school zone in 15837
each school district of innovation, including a comparison of 15838

the students' academic performance before and after the 15839
district's designation as a school district of innovation; 15840

(F) Recommendations for legislative changes based on the 15841
innovations implemented or to enhance the ability of schools and 15842
districts to implement innovations. 15843

Sec. 3302.07. (A) The board of education of any school 15844
district, the governing board of any educational service center, 15845
or the administrative authority of any chartered nonpublic 15846
school may submit to the ~~state board~~ department of education and 15847
workforce an application proposing an innovative education pilot 15848
program the implementation of which requires exemptions from 15849
specific statutory provisions or rules. If a district or service 15850
center board employs teachers under a collective bargaining 15851
agreement adopted pursuant to Chapter 4117. of the Revised Code, 15852
any application submitted under this division shall include the 15853
written consent of the teachers' employee representative 15854
designated under division (B) of section 4117.04 of the Revised 15855
Code. The exemptions requested in the application shall be 15856
limited to any requirement of Title XXXIII of the Revised Code 15857
or of any rule of the ~~state board~~ department adopted pursuant to 15858
that title except that the application may not propose an 15859
exemption from any requirement of or rule adopted pursuant to 15860
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 15861
3323. of the Revised Code. Furthermore, an exemption from any 15862
operating standard adopted under division (B) (2) or (D) of 15863
section 3301.07 of the Revised Code shall be granted only 15864
pursuant to a waiver granted by the ~~superintendent of public~~ 15865
~~instruction~~ director of education and workforce under division 15866
(O) of that section. 15867

(B) The ~~state board of education~~ department shall accept 15868

any application submitted in accordance with division (A) of 15869
this section. The ~~superintendent of public instruction~~ director 15870
shall approve or disapprove the application in accordance with 15871
standards for approval, which shall be adopted by the ~~state~~ 15872
~~board~~ department. 15873

(C) The ~~superintendent of public instruction~~ director 15874
shall exempt each district or service center board or chartered 15875
nonpublic school administrative authority with an application 15876
approved under division (B) of this section for a specified 15877
period from the statutory provisions or rules specified in the 15878
approved application. The period of exemption shall not exceed 15879
the period during which the pilot program proposed in the 15880
application is being implemented and a reasonable period to 15881
allow for evaluation of the effectiveness of the program. 15882

Sec. 3302.09. (A) Whenever the United States department of 15883
education makes changes in its policies or rules regarding 15884
implementation of the No Child Left Behind Act of 2001, the Ohio 15885
department of education and workforce shall submit a written 15886
description of those changes to each member of the standing 15887
committees on education of the senate and house of 15888
representatives. 15889

(B) If the Ohio department of education and workforce 15890
plans to change any of its policies or procedures regarding the 15891
state's implementation of the No Child Left Behind Act of 2001 15892
based on changes in federal polices or rules described in 15893
division (A) of this section, the Ohio department of education_ 15894
and workforce shall submit to each member of the standing 15895
committees a written outline of the existing Ohio policy 15896
regarding that implementation and a written description of the 15897
changes it proposes to make. 15898

(C) ~~On and after July 1, 2005, the~~ The Ohio department of education and workforce shall not make any change proposed under division (B) of this section unless the general assembly has adopted a concurrent resolution approving the proposed change.

Sec. 3302.10. (A) The ~~superintendent of public instruction~~ department of education and workforce shall establish an academic distress commission for any school district that meets one of the following conditions:

(1) The district has for three consecutive years received either of the following:

(a) An overall grade of "F" under division (C) (3) of section 3302.03 of the Revised Code;

(b) An overall performance rating of less than two stars under division (D) (3) of section 3302.03 of the Revised Code.

(2) An academic distress commission established for the district under former section 3302.10 of the Revised Code was still in existence on October 15, 2015, and has been in existence for at least four years.

(B) (1) The academic distress commission shall consist of five members as follows:

(a) Three members appointed by the ~~state~~ superintendent director of education and workforce, one of whom is a resident in the county in which a majority of the district's territory is located;

(b) One member appointed by the president of the district board of education, who shall be a teacher employed by the district;

(c) One member appointed by the mayor of the municipality

in which a majority of the district's territory is located or, 15927
if no such municipality exists, by the mayor of a municipality 15928
selected by the ~~state superintendent~~ director of education and 15929
workforce in which the district has territory. 15930

Appointments to the commission shall be made within thirty 15931
days after the district is notified that it is subject to this 15932
section. Members of the commission shall serve at the pleasure 15933
of their appointing authority. The ~~state superintendent~~ director 15934
shall designate a chairperson for the commission from among the 15935
members appointed by the ~~state superintendent~~ director. The 15936
chairperson shall call and conduct meetings, set meeting 15937
agendas, and serve as a liaison between the commission and the 15938
chief executive officer appointed under division (C) (1) of this 15939
section. 15940

(2) In the case of a school district that meets the 15941
condition in division (A) (2) of this section, the academic 15942
distress commission established for the district under former 15943
section 3302.10 of the Revised Code shall be abolished and a new 15944
academic distress commission shall be appointed for the district 15945
pursuant to division (B) (1) of this section. 15946

(C) (1) Within sixty days after the ~~state superintendent~~ 15947
director has designated a chairperson for the academic distress 15948
commission, the commission shall appoint a chief executive 15949
officer for the district, who shall be paid by the department of 15950
education and workforce and shall serve at the pleasure of the 15951
commission. The individual appointed as chief executive officer 15952
shall have high-level management experience in the public or 15953
private sector. The chief executive officer shall exercise 15954
complete operational, managerial, and instructional control of 15955
the district, which shall include, but shall not be limited to, 15956

the following powers and duties, but the chief executive officer	15957
may delegate, in writing, specific powers or duties to the	15958
district board or district superintendent:	15959
(a) Replacing school administrators and central office	15960
staff;	15961
(b) Assigning employees to schools and approving	15962
transfers;	15963
(c) Hiring new employees;	15964
(d) Defining employee responsibilities and job	15965
descriptions;	15966
(e) Establishing employee compensation;	15967
(f) Allocating teacher class loads;	15968
(g) Conducting employee evaluations;	15969
(h) Making reductions in staff under section 3319.17,	15970
3319.171, or 3319.172 of the Revised Code;	15971
(i) Setting the school calendar;	15972
(j) Creating a budget for the district;	15973
(k) Contracting for services for the district;	15974
(l) Modifying policies and procedures established by the	15975
district board;	15976
(m) Establishing grade configurations of schools;	15977
(n) Determining the school curriculum;	15978
(o) Selecting instructional materials and assessments;	15979
(p) Setting class sizes;	15980

(q) Providing for staff professional development. 15981

(2) If an improvement coordinator was previously appointed 15982
for the district pursuant to division (A) of section 3302.04 of 15983
the Revised Code, that position shall be terminated. However, 15984
nothing in this section shall prohibit the chief executive 15985
officer from employing the same individual or other staff to 15986
perform duties or functions previously performed by the 15987
improvement coordinator. 15988

(D) The academic distress commission, in consultation with 15989
the ~~state superintendent~~ director of education and workforce and 15990
the chief executive officer, shall be responsible for expanding 15991
high-quality school choice options in the district. The 15992
commission, in consultation with the ~~state~~ 15993
~~superintendent~~ director, may create an entity to act as a high- 15994
quality school accelerator for schools not operated by the 15995
district. The accelerator shall promote high-quality schools in 15996
the district, lead improvement efforts for underperforming 15997
schools, recruit high-quality sponsors for community schools, 15998
attract new high-quality schools to the district, and increase 15999
the overall capacity of schools to deliver a high-quality 16000
education for students. Any accelerator shall be an independent 16001
entity and the chief executive officer shall have no authority 16002
over the accelerator. 16003

(E) (1) Within thirty days after the chief executive 16004
officer is appointed, the chief executive officer shall convene 16005
a group of community stakeholders. The purpose of the group 16006
shall be to develop expectations for academic improvement in the 16007
district and to assist the district in building relationships 16008
with organizations in the community that can provide needed 16009
services to students. Members of the group shall include, but 16010

shall not be limited to, educators, civic and business leaders, 16011
and representatives of institutions of higher education and 16012
government service agencies. Within ninety days after the chief 16013
executive officer is appointed, the chief executive officer also 16014
shall convene a smaller group of community stakeholders for each 16015
school operated by the district to develop expectations for 16016
academic improvement in that school. The group convened for each 16017
school shall have teachers employed in the school and parents of 16018
students enrolled in the school among its members. 16019

(2) The chief executive officer shall create a plan to 16020
improve the district's academic performance. In creating the 16021
plan, the chief executive officer shall consult with the groups 16022
convened under division (E)(1) of this section. The chief 16023
executive officer also shall consider the availability of 16024
funding to ensure sustainability of the plan. The plan shall 16025
establish clear, measurable performance goals for the district 16026
and for each school operated by the district. The performance 16027
goals shall include, but not be limited to, the performance 16028
measures prescribed for report cards issued under section 16029
3302.03 of the Revised Code. Within ninety days after the chief 16030
executive officer is appointed, the chief executive officer 16031
shall submit the plan to the academic distress commission for 16032
approval. Within thirty days after the submission of the plan, 16033
the commission shall approve the plan or suggest modifications 16034
to the plan that will render it acceptable. If the commission 16035
suggests modifications, the chief executive officer may revise 16036
the plan before resubmitting it to the commission. The chief 16037
executive officer shall resubmit the plan, whether revised or 16038
not, within fifteen days after the commission suggests 16039
modifications. The commission shall approve the plan within 16040
thirty days after the plan is resubmitted. Upon approval of the 16041

plan by the commission, the chief executive officer shall 16042
implement the plan. 16043

(F) Notwithstanding any provision to the contrary in 16044
Chapter 4117. of the Revised Code, if the district board has 16045
entered into, modified, renewed, or extended a collective 16046
bargaining agreement on or after October 15, 2015, that contains 16047
provisions relinquishing one or more of the rights or 16048
responsibilities listed in division (C) of section 4117.08 of 16049
the Revised Code, those provisions are not enforceable and the 16050
chief executive officer and the district board shall resume 16051
holding those rights or responsibilities as if the district 16052
board had not relinquished them in that agreement until such 16053
time as both the academic distress commission ceases to exist 16054
and the district board agrees to relinquish those rights or 16055
responsibilities in a new collective bargaining agreement. For 16056
purposes of this section, "collective bargaining agreement" 16057
shall include any labor contract or agreement in effect with any 16058
applicable bargaining representative. The chief executive 16059
officer and the district board are not required to bargain on 16060
subjects reserved to the management and direction of the school 16061
district, including, but not limited to, the rights or 16062
responsibilities listed in division (C) of section 4117.08 of 16063
the Revised Code. The way in which these subjects and these 16064
rights or responsibilities may affect the wages, hours, terms 16065
and conditions of employment, or the continuation, modification, 16066
or deletion of an existing provision of a collective bargaining 16067
agreement is not subject to collective bargaining or effects 16068
bargaining under Chapter 4117. of the Revised Code. The 16069
provisions of this paragraph apply to a collective bargaining 16070
agreement entered into, modified, renewed, or extended on or 16071
after October 15, 2015, and those provisions are deemed to be 16072

part of that agreement regardless of whether the district 16073
satisfied the conditions prescribed in division (A) of this 16074
section at the time the district entered into that agreement. If 16075
the district board relinquished one or more of the rights or 16076
responsibilities listed in division (C) of section 4117.08 of 16077
the Revised Code in a collective bargaining agreement entered 16078
into prior to October 15, 2015, and had resumed holding those 16079
rights or responsibilities pursuant to division (K) of former 16080
section 3302.10 of the Revised Code, as it existed prior to that 16081
date, the district board shall continue to hold those rights or 16082
responsibilities until such time as both the new academic 16083
distress commission appointed under this section ceases to exist 16084
upon completion of the transition period specified in division 16085
(N) (1) of this section and the district board agrees to 16086
relinquish those rights or responsibilities in a new collective 16087
bargaining agreement. 16088

(G) In each school year that the district is subject to 16089
this section, the following shall apply: 16090

(1) The chief executive officer shall implement the 16091
improvement plan approved under division (E) (2) of this section 16092
and shall review the plan annually to determine if changes are 16093
needed. The chief executive officer may modify the plan upon the 16094
approval of the modifications by the academic distress 16095
commission. 16096

(2) The chief executive officer may implement innovative 16097
education programs to do any of the following: 16098

(a) Address the physical and mental well-being of students 16099
and their families; 16100

(b) Provide mentoring; 16101

(c) Provide job resources;	16102
(d) Disseminate higher education information;	16103
(e) Offer recreational or cultural activities;	16104
(f) Provide any other services that will contribute to a successful learning environment.	16105 16106
The chief executive officer shall establish a separate fund to support innovative education programs and shall deposit any moneys appropriated by the general assembly for the purposes of division (G) (2) of this section in the fund. The chief executive officer shall have sole authority to disburse moneys from the fund until the district is no longer subject to this section. All disbursements shall support the improvement plan approved under division (E) (2) of this section.	16107 16108 16109 16110 16111 16112 16113 16114
(3) If the district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, each student who is entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and is enrolled in a school operated by the district or in a community school, or will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the following school year, shall be eligible to participate in the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code and an application for the student may be submitted during the next application period.	16115 16116 16117 16118 16119 16120 16121 16122 16123 16124 16125 16126 16127
(4) Notwithstanding anything to the contrary in the Revised Code, the chief executive officer may limit, suspend, or alter any contract with an administrator that is entered into,	16128 16129 16130

modified, renewed, or extended by the district board on or after 16131
October 15, 2015, provided that the chief executive officer 16132
shall not reduce any salary or base hourly rate of pay unless 16133
such salary or base hourly rate reductions are part of a uniform 16134
plan affecting all district employees and shall not reduce any 16135
insurance benefits unless such insurance benefit reductions are 16136
also applicable generally to other employees of the district. 16137

(5) The chief executive officer shall represent the 16138
district board during any negotiations to modify, renew, or 16139
extend a collective bargaining agreement entered into by the 16140
board under Chapter 4117. of the Revised Code. 16141

(H) If the report card for the district has been issued 16142
under section 3302.03 of the Revised Code for the first school 16143
year that the district is subject to this section and the 16144
district does not meet the qualification in division (N) (1) of 16145
this section, the following shall apply: 16146

(1) The chief executive officer may reconstitute any 16147
school operated by the district. The chief executive officer 16148
shall present to the academic distress commission a plan that 16149
lists each school designated for reconstitution and explains how 16150
the chief executive officer plans to reconstitute the school. 16151
The chief executive officer may take any of the following 16152
actions to reconstitute a school: 16153

(a) Change the mission of the school or the focus of its 16154
curriculum; 16155

(b) Replace the school's principal and/or administrative 16156
staff; 16157

(c) Replace a majority of the school's staff, including 16158
teaching and nonteaching employees; 16159

(d) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school.

(e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code;

(f) Permanently close the school.

If the chief executive officer plans to reconstitute a school under division (H) (1) (e) or (f) of this section, the commission shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the commission, the chief executive officer shall reconstitute the school as outlined in the plan.

(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer, in consultation with the chairperson of the academic distress commission, may reopen any collective bargaining agreement entered into, modified, renewed, or extended on or after October 15, 2015, for the purpose of renegotiating its terms. The chief executive officer shall have the sole discretion to designate any provisions of a collective bargaining agreement as subject to reopening by providing written notice to the bargaining representative. Any provisions designated for reopening by the chief executive officer shall be subject to collective bargaining as set forth in Chapter 4117. of the Revised Code. Any changes to the provisions subject to reopening shall take effect on the following first day of July or another date agreed to by the parties. The chief executive officer may reopen a

collective bargaining agreement under division (H) (2) of this 16190
section as necessary to reconstitute a school under division (H) 16191
(1) of this section. 16192

(I) If the report card for the district has been issued 16193
under section 3302.03 of the Revised Code for the second school 16194
year that the district is subject to this section and the 16195
district does not meet the qualification in division (N) (1) of 16196
this section, the following shall apply: 16197

(1) The chief executive officer may exercise any of the 16198
powers authorized under division (H) of this section. 16199

(2) Notwithstanding any provision to the contrary in 16200
Chapter 4117. of the Revised Code, the chief executive officer 16201
may limit, suspend, or alter any provision of a collective 16202
bargaining agreement entered into, modified, renewed, or 16203
extended on or after October 15, 2015, provided that the chief 16204
executive officer shall not reduce any base hourly rate of pay 16205
and shall not reduce any insurance benefits. The decision to 16206
limit, suspend, or alter any provision of a collective 16207
bargaining agreement under this division is not subject to 16208
bargaining under Chapter 4117. of the Revised Code; however, the 16209
chief executive officer shall have the discretion to engage in 16210
effects bargaining on the way any such decision may affect 16211
wages, hours, or terms and conditions of employment. The chief 16212
executive officer may limit, suspend, or alter a provision of a 16213
collective bargaining agreement under division (I) (2) of this 16214
section as necessary to reconstitute a school under division (H) 16215
(1) of this section. 16216

(J) If the report card for the district has been issued 16217
under section 3302.03 of the Revised Code for the third school 16218
year that the district is subject to this section and the 16219

district does not meet the qualification in division (N) (1) of 16220
this section, the following shall apply: 16221

(1) The chief executive officer may exercise any of the 16222
powers authorized under division (H) or (I) of this section. 16223

(2) The chief executive officer may continue in effect a 16224
limitation, suspension, or alteration of a provision of a 16225
collective bargaining agreement issued under division (I) (2) of 16226
this section. Any such continuation shall be subject to the 16227
requirements and restrictions of that division. 16228

(K) If the report card for the district has been issued 16229
under section 3302.03 of the Revised Code for the fourth school 16230
year that the district is subject to this section and the 16231
district does not meet the qualification in division (N) (1) of 16232
this section, the following shall apply: 16233

(1) The chief executive officer may exercise any of the 16234
powers authorized under division (H), (I), or (J) of this 16235
section. 16236

(2) A new board of education shall be appointed for the 16237
district in accordance with section 3302.11 of the Revised Code. 16238
However, the chief executive officer shall retain complete 16239
operational, managerial, and instructional control of the 16240
district until the chief executive officer relinquishes that 16241
control to the district board under division (N) (1) of this 16242
section. 16243

(L) If the report card for the district has been issued 16244
under section 3302.03 of the Revised Code for the fifth school 16245
year, or any subsequent school year, that the district is 16246
subject to this section and the district does not meet the 16247
qualification in division (N) (1) of this section, the chief 16248

executive officer may exercise any of the powers authorized 16249
under division (H), (I), (J), or (K) (1) of this section. 16250

(M) If division (I), (J), (K), or (L) of this section 16251
applies to a district, community schools, STEM schools, 16252
chartered nonpublic schools, and other school districts that 16253
enroll students residing in the district and meet academic 16254
accountability standards shall be eligible to be paid an 16255
academic performance bonus in each fiscal year for which the 16256
general assembly appropriates funds for that purpose. The 16257
academic performance bonus is intended to give students residing 16258
in the district access to a high-quality education by 16259
encouraging high-quality schools to enroll those students. 16260

(N) (1) When a district subject to this section receives 16261
either an overall grade of "C" or higher under division (C) (3) 16262
of section 3302.03 of the Revised Code or an overall performance 16263
rating of three stars or higher under division (D) (3) of section 16264
3302.03 of the Revised Code, the district shall begin its 16265
transition out of being subject to this section. Except as 16266
provided in division (N) (2) of this section, the transition 16267
period shall last until the district has received either an 16268
overall grade higher than "F" under division (C) (3) of section 16269
3302.03 of the Revised Code or an overall performance rating of 16270
two stars or higher under division (D) (3) of section 3302.03 of 16271
the Revised Code for two consecutive school years after the 16272
transition period begins. The overall grade of "C" or higher or 16273
overall performance rating of three stars or higher that qualify 16274
the district to begin the transition period shall not count as 16275
one of the two consecutive school years. During the transition 16276
period, the conditions described in divisions (F) to (L) of this 16277
section for the school year prior to the school year in which 16278
the transition period begins shall continue to apply and the 16279

chief executive officer shall work closely with the district 16280
board and district superintendent to increase their ability to 16281
resume control of the district and sustain the district's 16282
academic improvement over time. Upon completion of the 16283
transition period, the chief executive officer shall relinquish 16284
all operational, managerial, and instructional control of the 16285
district to the district board and district superintendent and 16286
the academic distress commission shall cease to exist. 16287

(2) If the district receives either an overall grade of 16288
"F" under division (C) (3) of section 3302.03 of the Revised Code 16289
or an overall performance rating of less than two stars under 16290
division (D) (3) of section 3302.03 of the Revised Code at any 16291
time during the transition period, the transition period shall 16292
end and the district shall be fully subject to this section 16293
again. The district shall resume being fully subject to this 16294
section at the point it began its transition out of being 16295
subject to this section and the division in divisions (H) to (L) 16296
of this section that would have applied to the district had the 16297
district not qualified to begin its transition under division 16298
(N) (1) of this section shall apply to the district. 16299

(O) If at any time there are no longer any schools 16300
operated by the district due to reconstitution or other closure 16301
of the district's schools under this section, the academic 16302
distress commission shall cease to exist and the chief executive 16303
officer shall cease to exercise any powers with respect to the 16304
district. 16305

(P) Beginning on October 15, 2015, each collective 16306
bargaining agreement entered into by a school district board of 16307
education under Chapter 4117. of the Revised Code shall 16308
incorporate the provisions of this section. 16309

(Q) The chief executive officer, the members of the 16310
academic distress commission, the ~~state superintendent~~director 16311
of education and workforce, and any person authorized to act on 16312
behalf of or assist them shall not be personally liable or 16313
subject to any suit, judgment, or claim for damages resulting 16314
from the exercise of or failure to exercise the powers, duties, 16315
and functions granted to them in regard to their functioning 16316
under this section, but the chief executive officer, commission, 16317
~~state superintendent~~director, and such other persons shall be 16318
subject to mandamus proceedings to compel performance of their 16319
duties under this section. 16320

(R) The ~~state superintendent~~ department of education and 16321
workforce shall not exempt any district from this section by 16322
approving an application for an innovative education pilot 16323
program submitted by the district under section 3302.07 of the 16324
Revised Code. 16325

Sec. 3302.103. (A) This section applies to any school 16326
district that meets one of the following conditions: 16327

(1) An academic distress commission was established for 16328
the district in 2013 ~~by the superintendent of public instruction~~ 16329
under former section 3302.10 of the Revised Code, as it existed 16330
prior to October 15, 2015, and a new academic distress 16331
commission was established for the district ~~by the state~~ 16332
~~superintendent~~ under division (A) (2) of section 3302.10 of the 16333
Revised Code. 16334

(2) An academic distress commission was established for 16335
the district in 2010 ~~by the state superintendent~~ under former 16336
section 3302.10 of the Revised Code, as it existed prior to 16337
October 15, 2015, and a new academic distress commission was 16338
established for the district under division (A) (2) of section 16339

3302.10 of the Revised Code. 16340

(3) An academic distress commission was established for 16341
the district ~~by the state superintendent~~ in 2018 under division 16342
(A) (1) of section 3302.10 of the Revised Code. 16343

(B) The auditor of state shall complete a performance 16344
audit of a school district to which this section applies one 16345
time during the three-year period of the plan implemented under 16346
division (D) (2) of this section and submit the results of the 16347
audit to the board of education of the school district and the 16348
academic distress commission established for the district. The 16349
performance audit shall be conducted in the same manner as 16350
prescribed by section 3316.042 of the Revised Code. 16351

(C) Notwithstanding anything to the contrary in the 16352
Revised Code, ~~not later than ninety days after the effective~~ 16353
~~date of this section,~~ the district board of a school district to 16354
which this section applies, in consultation with the appropriate 16355
stakeholders, the academic distress commission, and the chief 16356
executive officer appointed by that commission under section 16357
3302.10 of the Revised Code, shall develop and submit an 16358
academic improvement plan for the district to the ~~state~~ 16359
~~superintendent~~ department of education and workforce. 16360

The plan developed under division (C) of this section 16361
shall operate for a period of three school years and shall 16362
include annual and overall academic improvement benchmarks for 16363
the district and strategies for achieving those benchmarks. 16364

(D) (1) The ~~state superintendent~~ department shall review 16365
the plan submitted under division (C) of this section. Not later 16366
than thirty days after receiving the plan for review, the ~~state~~ 16367
~~superintendent~~ department shall approve the plan or suggest 16368

modifications to the plan. If the ~~state superintendent~~ 16369
department suggests modifications, the district board shall 16370
revise the plan and resubmit it within fifteen days after 16371
receiving the suggested modifications. The ~~state superintendent~~ 16372
department shall review and approve the plan within thirty days 16373
after receiving it. 16374

(2) Upon approval of the plan by the ~~state~~ 16375
~~superintendent~~department, the district board may begin to 16376
prepare to implement the plan, which shall be in effect from 16377
July 1, 2022, to June 30, 2025. The district's academic distress 16378
commission and chief executive officer shall work with the 16379
district in preparing to implement the plan. 16380

(3) If the district board determines it necessary, it may 16381
submit a request to the ~~state superintendent~~ department to 16382
modify the improvement plan during the period of time specified 16383
in division (D) (2) of this section. The improvement plan shall 16384
not be modified without the ~~state superintendent's~~ department's 16385
approval. 16386

(E) During the school years that the district is 16387
implementing the plan approved by the ~~state~~ 16388
~~superintendent~~department, the following apply: 16389

(1) The district shall not be subject to section 3302.10 16390
of the Revised Code. 16391

(2) The district board shall reassume all powers granted 16392
to it under the Revised Code. 16393

(3) The district's academic distress commission shall 16394
continue to exist and provide assistance to the district but 16395
shall not have any operational or managerial control of the 16396
district. 16397

(4) The chief executive officer appointed by the academic distress commission shall relinquish all operational, managerial, and instructional control of the district and be removed from that position.

The district board may employ as district superintendent the individual who previously served as chief executive officer. If the district board enters into a contract for district superintendent with that individual while the district is implementing the improvement plan, the department of education shall continue compensating the individual under the terms of the individual's chief executive officer contract until the district meets either of the conditions prescribed in division (F) (1) (b) or (F) (2) of this section. In either event, the district board shall begin compensating the individual under the terms of the district board's employment contract with the individual for district superintendent.

(5) The district board shall provide annual reports to the ~~state board of education~~ department on the district's progress toward achieving the academic benchmarks established in the district's improvement plan.

(F) At the end of three school years under the plan, the district shall be evaluated by the ~~state board~~ department based on the academic improvement benchmarks established in the plan.

(1) (a) If the district improves but does not meet at least a majority of the academic improvement benchmarks established in the improvement plan, the district board may apply to the ~~state superintendent~~ department for an extension of one school year to continue implementing the plan, pending approval by the ~~state superintendent~~ department. If the district does not meet at least a majority of the established benchmarks at the end of the

extension, the district again may apply to the ~~state~~ 16428
~~superintendent~~ department for an extension of one school year to 16429
continue implementing the plan. The district shall not apply for 16430
an extension more than twice. 16431

(b) If the district does not meet at least a majority of 16432
the academic improvement benchmarks at the end of five school 16433
years under the plan or if the ~~state superintendent~~ department 16434
does not approve a district's application for an extension 16435
submitted under division (F)(1)(a) of this section, the district 16436
shall be subject to section 3302.10 of the Revised Code. The 16437
academic distress commission shall appoint a new chief executive 16438
officer for the district as prescribed in division (C) of that 16439
section, and the chief executive officer shall reassume the 16440
powers that were being exercised under that section prior to 16441
July 1, 2022. 16442

(2) If the district meets at least a majority of the 16443
academic improvement benchmarks established in its improvement 16444
plan at the end of the initial evaluation or, if applicable, 16445
after an extension granted by the ~~state superintendent~~ 16446
department under division (F)(1)(a) of this section, the 16447
academic distress commission shall be dissolved, and the 16448
district board shall continue exercising all powers granted to 16449
it under the Revised Code. 16450

Sec. 3302.11. (A) This section applies to any school 16451
district that becomes subject to division (K) of section 3302.10 16452
of the Revised Code, as it exists on and after ~~the effective~~ 16453
~~date of this section~~ October 15, 2015. 16454

(B) As used in this section, "mayor" means the mayor of 16455
the municipality in which a majority of the territory of a 16456
school district to which this section applies is located or, if 16457

no such municipality exist, the mayor of a municipality selected 16458
by the ~~superintendent of public instruction~~ director of 16459
education and workforce in which the district has territory. 16460

(C) On the first day of January following the date on 16461
which this section first applies to a school district, the mayor 16462
shall appoint a new five-member board of education for the 16463
district from a slate of candidates nominated by the nominating 16464
panel established under division (D) (1) of this section. 16465

(D) (1) Not later than thirty days after the date on which 16466
this section first applies to a school district, the 16467
~~superintendent of public instruction~~ director shall convene a 16468
nominating panel to nominate candidates for appointment to the 16469
district board of education. The panel shall consist of the 16470
following members: 16471

(a) Two persons appointed by the mayor, one of whom shall 16472
be a representative of the business community or an institution 16473
of higher education located in the district; 16474

(b) One principal employed by the district, who shall be 16475
selected by a vote of the district's principals conducted by the 16476
~~state superintendent~~ director; 16477

(c) One teacher appointed by the bargaining representative 16478
for teachers employed by the district; 16479

(d) One parent of a student enrolled in the district 16480
appointed by the parent-teacher association, or a similar 16481
organization selected by the ~~state superintendent~~ director; 16482

(e) The chairperson of the academic distress commission 16483
established for the district under section 3302.10 of the 16484
Revised Code and the chief executive officer appointed under 16485
division (C) (1) of that section, until such time as the 16486

commission ceases to exist. 16487

(2) The ~~state superintendent~~ director shall be a nonvoting 16488
member of the panel and shall serve as chairperson of the panel 16489
for the first two years of the panel's existence. After that 16490
time, the panel shall select one of its members as chairperson. 16491
The panel shall meet as necessary to make nominations at the 16492
call of the chairperson. All members of the panel shall serve at 16493
the pleasure of their appointing authority. A vacancy on the 16494
panel shall be filled in the same manner as the initial 16495
appointment. 16496

(E) Not later than thirty days after the nominating panel 16497
is convened, the panel shall nominate a slate of at least ten 16498
candidates for possible appointment to the district board of 16499
education. All candidates shall be residents of the school 16500
district and shall hold no elected public office. At least two 16501
of the candidates shall reside outside of the municipal 16502
corporation served by the mayor, if that municipal corporation 16503
does not contain all of the district's territory. 16504

(F) Not later than thirty days after receiving the slate 16505
of candidates, the mayor shall select five members from the 16506
slate for appointment to the district board of education. 16507
Initial members of the board shall take office on the first day 16508
of January following their appointment and their terms shall 16509
expire on the thirtieth day of June following the referendum 16510
election required by division (G) (1) of this section. 16511

(G) (1) At the general election held in the first even- 16512
numbered year occurring at least three years after the date on 16513
which the academic distress commission established for the 16514
district ceases to exist pursuant to division (N) (1) of section 16515
3302.10 of the Revised Code, a referendum election shall be held 16516

to determine if the mayor shall continue to appoint the district 16517
board of education. Not later than ninety days before the 16518
general election, the board of education shall notify the board 16519
of elections of each county containing territory of the district 16520
of the referendum election. At the general election, the 16521
following question shall be submitted to the electors of the 16522
district: 16523

"Shall the mayor of... (here insert the name of the 16524
applicable municipal corporation) continue to appoint the 16525
members of the board of education of the... (here insert the 16526
name of the school district to which this section applies)?" 16527

The board of elections of the county in which the majority 16528
of the district's territory is located shall make all necessary 16529
arrangements for the submission of the question to the electors, 16530
and the election shall be conducted, canvassed, and certified in 16531
the same manner as regular elections in the district for the 16532
election of county officers, provided that in any such election 16533
in which only part of the electors of a precinct are qualified 16534
to vote, the board of elections may assign voters in such part 16535
to an adjoining precinct. Such an assignment may be made to an 16536
adjoining precinct in another county with the consent and 16537
approval of the board of elections of such other county. Notice 16538
of the election shall be published in a newspaper of general 16539
circulation in the district once a week for two consecutive 16540
weeks, or as provided in section 7.16 of the Revised Code, prior 16541
to the election. If the board of elections operates and 16542
maintains a web site, the board of elections shall post notice 16543
of the election on its web site for thirty days prior to the 16544
election. The notice shall state the question on which the 16545
election is being held. The ballot shall be in the form 16546
prescribed by the secretary of state. Costs of submitting the 16547

question to the electors shall be charged to the district in 16548
accordance with section 3501.17 of the Revised Code. 16549

(2) If a majority of the electors voting on the question 16550
proposed in division (G)(1) of this section approve the 16551
question, the mayor shall appoint a new board of education on 16552
the immediately following first day of July from a slate of 16553
candidates nominated by the nominating panel in the same manner 16554
as the initial board was appointed pursuant to divisions (E) and 16555
(F) of this section. Three of the members of the new board shall 16556
be appointed to four-year terms and two of the members shall be 16557
appointed to two-year terms, each term beginning on the first 16558
day of July. Thereafter, the mayor shall appoint members to 16559
four-year terms in the same manner prescribed in divisions (E) 16560
and (F) of this section. Whenever the nominating panel is 16561
required to nominate a slate of candidates, the panel shall 16562
nominate at least twice the number of candidates as members to 16563
be appointed to the board at that time, including two candidates 16564
who reside outside of the municipal corporation served by the 16565
mayor, if that municipal corporation does not contain all of the 16566
district's territory. Nothing in this division shall preclude 16567
the nominating panel from nominating as a candidate a person who 16568
was a member of the board prior to the referendum election or 16569
shall preclude the mayor from appointing such a person to the 16570
new board. 16571

(3) If a majority of the electors voting on the question 16572
proposed in division (G)(1) of this section disapprove the 16573
question, a new board of education shall be elected at the next 16574
regular election occurring in November of an odd-numbered year. 16575
The board shall have the same number of members as the board in 16576
place prior to the board appointed under this section. At such 16577
election, one-half of the total number of members rounded up to 16578

the next whole number shall be elected for terms of four years 16579
and the remaining members shall be elected for terms of two 16580
years. Thereafter, their successors shall be elected in the same 16581
manner and for the same terms as provided in the Revised Code 16582
for members of boards of education. All members of the board of 16583
education appointed under this section shall continue to serve 16584
after the end of the terms to which they were appointed until 16585
their successors are qualified and assume office in accordance 16586
with section 3313.09 of the Revised Code. 16587

(H) All of the following shall apply to a board of 16588
education appointed under division (F) or (G) (2) of this 16589
section: 16590

(1) At any given time, at least two of the board members 16591
shall have significant expertise in education, finance, or 16592
business management and at least one member shall reside outside 16593
of the municipal corporation served by the mayor, if that 16594
municipal corporation does not contain all of the district's 16595
territory. 16596

(2) The members of the board shall designate one of its 16597
members as the chairperson of the board. The chairperson shall 16598
have all the rights, authority, and duties conferred upon the 16599
president of a board of education by the Revised Code. 16600

(3) The mayor may remove any member of the board with the 16601
advice and consent of the nominating panel. 16602

Sec. 3302.12. (A) (1) Except as provided in divisions (C) 16603
and (D) of this section, this section applies to a school 16604
building that is ranked according to performance index score 16605
under section 3302.21 of the Revised Code in the lowest five per 16606
cent of public school buildings statewide for three consecutive 16607

years and that meets any combination of the following for three consecutive years: 16608
16609

(a) The school building is declared to be under an academic watch or in a state of academic emergency under section 3302.03 of the Revised Code; 16610
16611
16612

(b) The school building has received a grade of "F" for the value-added progress dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of section 3302.03 of the Revised Code; 16613
16614
16615

(c) The school building has received an overall grade of "F" under section 3302.03 of the Revised Code; 16616
16617

(d) The school building has received a performance rating of one star for progress under division (D) (3) (c) of section 3302.03 of the Revised Code; 16618
16619
16620

(e) The school building has received an overall performance rating of less than two stars under section 3302.03 of the Revised Code. 16621
16622
16623

(2) In the case of a building to which this section applies, the district board of education in control of that building shall do one of the following at the conclusion of the school year in which the building first becomes subject to this section: 16624
16625
16626
16627
16628

(a) Close the school and direct the district superintendent to reassign the students enrolled in the school to other school buildings that demonstrate higher academic achievement; 16629
16630
16631
16632

(b) Contract with another school district or a nonprofit or for-profit entity with a demonstrated record of effectiveness to operate the school; 16633
16634
16635

(c) Replace the principal and all teaching staff of the school and, upon request from the new principal, exempt the school from all requested policies and regulations of the board regarding curriculum and instruction. The board also shall distribute funding to the school in an amount that is at least equal to the product of the per pupil amount of state and local revenues received by the district multiplied by the student population of the school.

(d) Reopen the school as a conversion community school under Chapter 3314. of the Revised Code.

(B) If an action taken by the board under division (A) (2) of this section causes the district to no longer maintain all grades kindergarten through twelve, as required by section 3311.29 of the Revised Code, the board shall enter into a contract with another school district pursuant to section 3327.04 of the Revised Code for enrollment of students in the schools of that other district to the extent necessary to comply with the requirement of section 3311.29 of the Revised Code. Notwithstanding any provision of the Revised Code to the contrary, if the board enters into and maintains a contract under section 3327.04 of the Revised Code, the district shall not be considered to have failed to comply with the requirement of section 3311.29 of the Revised Code. If, however, the district board fails to or is unable to enter into or maintain such a contract, the ~~state board~~ department of education and workforce shall take all necessary actions to dissolve the district as provided in division (A) of section 3311.29 of the Revised Code.

(C) If a particular school is required to restructure under this section and a petition with respect to that same

school has been filed and verified under divisions (B) and (C) 16666
of section 3302.042 of the Revised Code, the provisions of that 16667
section and the petition filed and verified under it shall 16668
prevail over the provisions of this section and the school shall 16669
be restructured under that section. However, if division (D) (1), 16670
(2), or (3) of section 3302.042 of the Revised Code also applies 16671
to the school, the school shall be subject to restructuring 16672
under this section and not section 3302.042 of the Revised Code. 16673

If the provisions of this section conflict in any way with 16674
the requirements of federal law, federal law shall prevail over 16675
the provisions of this section. 16676

(D) If a school is restructured under this section, 16677
section 3302.042 or 3302.10 of the Revised Code, or federal law, 16678
the school shall not be required to restructure again under 16679
state law for three consecutive years after the implementation 16680
of that prior restructuring. 16681

Sec. 3302.13. (A) This section applies to any school 16682
district or community school that meets both of the following 16683
criteria, as reported on the past two consecutive report cards 16684
issued for that district or school under section 3302.03 of the 16685
Revised Code: 16686

(1) The district or school received either of the 16687
following: 16688

(a) A grade of "D" or "F" on the kindergarten through 16689
third-grade literacy progress measure under division (C) (3) (e) 16690
of section 3302.03 of the Revised Code; 16691

(b) A performance rating of less than three stars for 16692
early literacy under division (D) (3) (e) of section 3302.03 of 16693
the Revised Code. 16694

(2) Fifty-one per cent or less of the district's students
who took the third grade English language arts assessment
prescribed under section 3301.0710 of the Revised Code for that
school year attained at least a proficient score on that
assessment.

(B) By ~~December 31, 2016, and by the thirty-first day of~~
~~each December thereafter of each year,~~ any school district or
community school that meets the criteria set forth in division
(A) of this section shall submit to the department of education_
and workforce a school or district reading achievement
improvement plan, which shall include all requirements
prescribed by the ~~state board of education~~ department pursuant
to division (C) of this section.

(C) ~~Not later than December 31, 2014, the state board~~ The
department shall adopt rules in accordance with Chapter 119. of
the Revised Code prescribing the content of and deadlines for
the reading achievement improvement plans required under
division (B) of this section. The rules shall prescribe that
each plan include, at a minimum, an analysis of relevant student
performance data, measurable student performance goals,
strategies to meet specific student needs, a staffing and
professional development plan, and instructional strategies for
improving literacy.

(D) Any school district or community school to which this
section applies shall no longer be required to submit an
improvement plan pursuant to division (B) of this section when
that district or school meets either of the following criteria,
as reported on the most recent report card issued for that
district or school under section 3302.03 of the Revised Code:

(1) The district or school received either of the

following: 16725

(a) A grade of "C" or higher on the kindergarten through 16726
third-grade literacy progress measure under division (C) (3) (e) 16727
of section 3302.03 of the Revised Code; 16728

(b) A performance rating of three stars or higher for 16729
early literacy under division (D) (3) (e) of section 3302.03 of 16730
the Revised Code. 16731

(2) Not less than fifty-one per cent of the district's 16732
students who took the third grade English language arts 16733
assessment prescribed under section 3301.0710 of the Revised 16734
Code for that school year attained at least a proficient score 16735
on that assessment. 16736

(E) The department ~~of education~~ shall post in a prominent 16737
location on its web site all plans submitted pursuant to this 16738
section. 16739

Sec. 3302.14. The department of education and workforce 16740
annually shall collect, analyze, and publish data regarding 16741
reading achievement in schools and progress in assisting all 16742
students to become proficient readers. Beginning on January 31, 16743
2015, and on the thirty-first day of each January thereafter, 16744
the department shall report these findings, in accordance with 16745
section 101.68 of the Revised Code, to the governor, and the 16746
general assembly, ~~and the state board of education~~. The report 16747
shall include, but not be limited to, both of the following: 16748

(A) The progress of all students that were on a reading 16749
intervention plan at any time during grades kindergarten through 16750
four while enrolled in the state's public school system. 16751

(B) The progress of school districts and community schools 16752
that are currently operating under a reading achievement 16753

improvement plan pursuant to section 3302.13 of the Revised Code, as data is made available. 16754
16755

Sec. 3302.15. (A) Notwithstanding anything to the contrary 16756
in Chapter 3301. or 3302. of the Revised Code, the board of 16757
education of a school district, governing authority of a 16758
community school established under Chapter 3314. of the Revised 16759
Code, or governing body of a STEM school established under 16760
Chapter 3326. of the Revised Code may submit to the 16761
~~superintendent of public instruction~~department of education and 16762
workforce, during the 2015-2016 school year, a request for a 16763
waiver for up to five school years from administering the state 16764
achievement assessments required under sections 3301.0710 and 16765
3301.0712 of the Revised Code and related requirements specified 16766
under division (B)(2) of this section. A district or school that 16767
obtains a waiver under this section shall use the alternative 16768
assessment system, as proposed by the district or school and as 16769
approved by the ~~state superintendent~~department, in place of the 16770
assessments required under sections 3301.0710 and 3301.0712 of 16771
the Revised Code. 16772

(B)(1) A request for a waiver under this section shall 16773
contain the following: 16774

(a) A timeline to develop and implement an alternative 16775
assessment system for the district or school; 16776

(b) An overview of the proposed innovative educational 16777
programs or strategies to be offered by the district or school; 16778

(c) An overview of the proposed alternative assessment 16779
system; 16780

(d) An overview of planning details that have been 16781
implemented or proposed and any documented support from 16782

educational networks, established educational consultants, state 16783
institutions of higher education as defined under section 16784
3345.011 of the Revised Code, and employers or workforce 16785
development partners; 16786

(e) An overview of the capacity to implement the 16787
alternative assessments, conduct the evaluation of teachers with 16788
alternative assessments, and the reporting of student 16789
achievement data with alternative assessments for the purpose of 16790
the report card ratings prescribed under section 3302.03 of the 16791
Revised Code, all of which shall include any prior success in 16792
implementing innovative educational programs or strategies, 16793
teaching practices, or assessment practices; 16794

(f) An acknowledgement by the district or school of 16795
federal funding that may be impacted by obtaining a waiver. 16796

(2) The request for a waiver shall indicate the extent to 16797
which exemptions from state or federal requirements regarding 16798
the administration of the assessments required under sections 16799
3301.0710 and 3301.0712 of the Revised Code are sought. Such 16800
items from which a district or school may be exempt are as 16801
follows: 16802

(a) The required administration of state assessments under 16803
sections 3301.0710 and 3301.0712 of the Revised Code; 16804

(b) The evaluation of teachers and administrators under 16805
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 16806
of the Revised Code; 16807

(c) The reporting of student achievement data for the 16808
purpose of the report card ratings prescribed under section 16809
3302.03 of the Revised Code. 16810

(C) Each request for a waiver shall include the signature 16811

of all of the following: 16812

(1) The superintendent of the school district or the 16813
equivalent for a community school or STEM school; 16814

(2) The president of the district board or the equivalent 16815
for a community school or STEM school; 16816

(3) The presiding officer of the labor organization 16817
representing the district's or school's teachers, if any; 16818

(4) If the district's or school's teachers are not 16819
represented by a labor organization, the principal and a 16820
majority of the administrators and teachers of the district or 16821
school. 16822

(D) Upon receipt of a request for a waiver, the ~~state-~~ 16823
~~superintendent-~~department shall approve or deny the waiver or 16824
may request additional information from the district or school. 16825
The ~~state superintendent-~~department shall not grant waivers to 16826
more than a total of ten districts, community schools, or STEM 16827
schools, based on requests for a waiver received during the 16828
2015-2016 school year. A waiver granted to a district or school 16829
shall be contingent on an ongoing review and evaluation by the 16830
~~state superintendent-~~department of the program for which the 16831
waiver was granted. 16832

(E) (1) For the purpose of this section, the department ~~of-~~ 16833
~~education~~ shall seek a waiver from the testing requirements 16834
prescribed under the "No Child Left Behind Act of 2001," if 16835
necessary to implement this section. 16836

(2) The department shall create a mechanism for the 16837
comparison of the alternative assessments prescribed under 16838
division (B) of this section and the assessments required under 16839
sections 3301.0710 and 3301.0712 of the Revised Code as it 16840

relates to the evaluation of teachers and student achievement 16841
data for the purpose of state report card ratings. 16842

(F) For purposes of this section, "innovative educational 16843
program or strategy" means a program or strategy using a new 16844
idea or method aimed at increasing student engagement and 16845
preparing students to be college or career ready. 16846

Sec. 3302.151. (A) Notwithstanding anything to the 16847
contrary in the Revised Code, a school district that qualifies 16848
under division (D) of this section shall be exempt from all of 16849
the following: 16850

(1) The teacher qualification requirements under the 16851
third-grade reading guarantee, as prescribed under divisions (B) 16852
(3) (c) and (H) of section 3313.608 of the Revised Code. This 16853
exemption does not relieve a teacher from holding a valid Ohio 16854
license in a subject area and grade level determined appropriate 16855
by the board of education of that district. 16856

(2) The mentoring component of the Ohio teacher residency 16857
program established under division (A) (1) of section 3319.223 of 16858
the Revised Code, so long as the district utilizes a local 16859
approach to train and support new teachers; 16860

(3) Any provision of the Revised Code or rule or standard 16861
of the ~~state board~~ department of education and workforce 16862
prescribing a minimum or maximum class size; 16863

(4) Any provision of the Revised Code or rule or standard 16864
of the ~~state board~~ department requiring teachers to be licensed 16865
specifically in the grade level in which they are teaching, 16866
except unless otherwise prescribed by federal law. This 16867
exemption does not apply to special education teachers. Nor does 16868
this exemption relieve a teacher from holding a valid Ohio 16869

license in the subject area in which that teacher is teaching 16870
and at least some grade level determined appropriate by the 16871
district board. 16872

(B) (1) Notwithstanding anything to the contrary in the 16873
Revised Code, including sections 3319.30 and 3319.36 of the 16874
Revised Code, the superintendent of a school district that 16875
qualifies under division (D) of this section may employ an 16876
individual who is not licensed as required by sections 3319.22 16877
to 3319.30 of the Revised Code, but who is otherwise qualified 16878
based on experience, to teach classes in the district, so long 16879
as the board of education of the school district approves the 16880
individual's employment and provides mentoring and professional 16881
development opportunities to that individual, as determined 16882
necessary by the board. 16883

(2) As a condition of employment under this section, an 16884
individual shall be subject to a criminal records check as 16885
prescribed by section 3319.391 of the Revised Code. In the 16886
manner prescribed by the ~~department~~ state board of education, 16887
the individual shall submit the criminal records check to the 16888
~~department~~ state board and shall register with the ~~department~~ 16889
state board during the period in which the individual is 16890
employed by the district. The ~~department~~ state board shall use 16891
the information submitted to enroll the individual in the 16892
retained applicant fingerprint database, established under 16893
section 109.5721 of the Revised Code, in the same manner as any 16894
teacher licensed under sections 3319.22 to 3319.31 of the 16895
Revised Code. 16896

(3) An individual employed pursuant to this division is 16897
subject to Chapter 3307. of the Revised Code. 16898

If the ~~department~~ state board receives notification of the 16899

arrest or conviction of an individual employed under division 16900
(B) of this section, the ~~department~~state board shall promptly 16901
notify the employing district and may take any action authorized 16902
under sections 3319.31 and 3319.311 of the Revised Code that it 16903
considers appropriate. No district shall employ any individual 16904
under division (B) of this section if the district learns that 16905
the individual has plead guilty to, has been found guilty by a 16906
jury or court of, or has been convicted of any of the offenses 16907
listed in division (C) of section 3319.31 of the Revised Code. 16908

(C) Notwithstanding anything to the contrary in the 16909
Revised Code, noncompliance with any of the requirements listed 16910
in divisions (A) or (B) of this section shall not disqualify a 16911
school district that qualifies under division (D) of this 16912
section from receiving funds under Chapter 3317. of the Revised 16913
Code. 16914

(D) In order for a city, local, or exempted village school 16915
district to qualify for the exemptions described in this 16916
section, the school district shall meet all of the following 16917
benchmarks on the most recent report card issued for that 16918
district under section 3302.03 of the Revised Code: 16919

(1) The district received at least eighty-five per cent of 16920
the total possible points for the performance index score 16921
calculated under division (C) (1) (b) or (D) (1) (c) of that 16922
section; 16923

(2) The district received a grade of an "A" for 16924
performance indicators met under division (C) (1) (c) of that 16925
section. However, division (D) (2) of this section shall not 16926
apply for the 2021-2022 school year or any school year 16927
thereafter. 16928

(3) The district has a four-year adjusted cohort graduation rate of at least ninety-three per cent and a five-year adjusted cohort graduation rate of at least ninety-five per cent, as calculated under division (C) (1) (d) or divisions (D) (1) (e) and (D) (1) (f) of that section. 16929
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(E) A school district that meets the requirements prescribed by division (D) of this section shall be qualified for the exemptions prescribed by this section for three school years, beginning with the school year in which the qualifying report card is issued. 16934
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(F) As used in this section, "license" has the same meaning as in section 3319.31 of the Revised Code. 16939
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Sec. 3302.17. (A) Any school building operated by a city, exempted village, or local school district, or a community school established under Chapter 3314. of the Revised Code is eligible to initiate the community learning center process as prescribed by this section. 16941
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(B) Beginning with the 2015-2016 school year, each district board of education or community school governing authority may initiate a community learning center process for any school building to which this section applies. 16946
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First, the board or governing authority shall conduct a public information hearing at each school building to which this section applies to inform the community of the community learning center process. The board or governing authority may do all of the following with regard to the public information hearing: 16950
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(1) Announce the meeting not less than forty-five days in advance at the school and on the school's or district's web 16956
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sites and using tools to ensure effective communication with 16958
individuals with disabilities; 16959

(2) Schedule the meeting for an evening or weekend time; 16960

(3) Provide interpretation services and written materials 16961
in all languages spoken by five per cent or more of the students 16962
enrolled in the school; 16963

(4) Provide child care services for parents attending the 16964
meeting; 16965

(5) Provide parents, students, teachers, nonteaching 16966
employees, and community members with the opportunity to speak 16967
at the meeting; 16968

(6) Comply with section 149.43 of the Revised Code. 16969

In preparing for the public information hearing, the board 16970
or governing authority shall ensure that information about the 16971
hearing is broadly distributed throughout the community. 16972

The board or governing authority may enter into an 16973
agreement with any civic engagement organizations, community 16974
organizations, or employee organizations to support the 16975
implementation of the community learning center process. 16976

The board or governing authority shall conduct a follow-up 16977
hearing at least once annually until action is further taken 16978
under the section with respect to the school building or until 16979
the conditions described in division (A) of this section no 16980
longer apply to the school building. 16981

(C) Not sooner than forty-five days after the first public 16982
information hearing, the board or governing authority shall 16983
conduct an election, by paper ballot, to initiate the process to 16984
become a community learning center. Only parents or guardians of 16985

students enrolled in the school and students enrolled in a 16986
different school operated by a joint vocational school district 16987
but are otherwise entitled to attend the school, and teachers 16988
and nonteaching employees who are assigned to the school may 16989
vote in the election. 16990

The board or governing authority shall distribute the 16991
ballots by mail and shall make copies available at the school 16992
and on the web site of the school. The board or governing 16993
authority also may distribute the ballots by directly giving 16994
ballots to teachers and nonteaching employees and sending home 16995
ballots with every student enrolled in the school building. 16996

(D) The board or governing authority shall initiate the 16997
transition of the building to a community learning center if the 16998
results of the election held under division (C) of this section 16999
are as follows: 17000

(1) At least fifty per cent of parents and guardians of 17001
students enrolled in the eligible school building and students 17002
enrolled in a different building operated by a joint vocational 17003
school district but who are entitled to attend the school cast 17004
ballots by a date set by the board or governing authority, and 17005
of those ballots at least sixty-seven per cent are in favor of 17006
initiating the process; and 17007

(2) At least fifty per cent of teachers and nonteaching 17008
employees who are assigned to the school cast ballots by a date 17009
set by the board or governing authority, and of those ballots at 17010
least sixty-seven per cent are in favor of initiating the 17011
process. 17012

(E) If a community learning center process is initiated 17013
under this section, the board or governing authority shall 17014

create a school action team under section 3302.18 of the Revised Code. Within four months upon selection, the school action team shall conduct and complete, in consultation with community partners, a performance audit of the school and review, with parental input, the needs of the school with regard to restructuring under section 3302.10, 3302.12, or 3302.042 of the Revised Code, or federal law.

The school action team shall provide quarterly updates of its work in a public hearing that complies with the same specifications prescribed in division (B) of this section.

(F) Upon completion of the audit and review, the school action team shall present its findings at a public hearing that complies with the same specifications prescribed in division (B) of this section. After the school action team presents its findings at the public hearing, it shall create a community learning center improvement plan that designates appropriate interventions, which may be based on the recommendations developed by the department under division (H)(1)(b) of this section.

If there is a federally mandated school improvement planning process, the team shall coordinate its work with that plan.

The school action team shall approve the plan by a majority vote.

(G) Upon approval of the plan by the school action team, the team shall submit the community learning center improvement plan to the same individuals described in division (C) of this section. Ballots shall be distributed and an election shall be conducted in the same manner as indicated under that division.

The school action team shall submit the plan to the district board of education or community school governing authority, if the results of the election under division (G) of this section are as follows:

(1) At least thirty per cent of parents and guardians of students enrolled in the eligible school building and students enrolled in a different building operated by a joint vocational school district but who are entitled to attend the school cast ballots by a date set by the board or governing authority, and of those ballots at least fifty per cent are in favor of initiating the process; and

(2) At least thirty per cent of teachers and nonteaching employees who are assigned to the school cast ballots by a date set by the board or governing authority, and of those ballots at least fifty per cent are in favor of initiating the process.

The board or governing authority shall evaluate the plan and determine whether to adopt it. The board or governing authority shall adopt the plan in full or adopt portions of the plan. If the board or governing authority does not adopt the plan in full, it shall provide a written explanation of why portions of the plan were rejected.

(H) (1) The department shall do all of the following with respect to this section:

(a) Adopt rules regarding the elections required under this section;

(b) Develop appropriate interventions for a community learning center improvement plan that may be used by a school action team under division (F) of this section;

(c) Publish a menu of programs and services that may be

offered by community learning centers. The information shall be 17073
posted on the department's web site. To compile this information 17074
the department shall solicit input from resource coordinators of 17075
existing community learning centers†. 17076

(d) Provide information regarding implementation of 17077
comprehensive community-based programs and supportive services 17078
including the community learning center model to school 17079
buildings meeting any of the following conditions: 17080

(i) The building is in improvement status as defined by 17081
the "No Child Left Behind Act of 2001" or under an agreement 17082
between the Ohio department of education and workforce and the 17083
United States secretary of education. 17084

(ii) The building is a secondary school that is among the 17085
lowest achieving fifteen per cent of secondary schools 17086
statewide, as determined by the department. 17087

(iii) The building is a secondary school with a graduation 17088
rate of sixty per cent or lower for three or more consecutive 17089
years. 17090

(iv) The building is a school that the department 17091
determines is persistently low-performing. 17092

(2) The department may do the following with respect to 17093
this section: 17094

(a) Provide assistance, facilitation, and training to 17095
school action teams in the conducting of the audit required 17096
under this section; 17097

(b) Provide opportunities for members of school action 17098
teams from different schools to share school improvement 17099
strategies with parents, teachers, and other relevant 17100

stakeholders in higher performing schools; 17101

(c) Provide financial support in a school action team's 17102
planning process and create a grant program to assist in the 17103
implementation of a qualified community learning center plan. 17104

(I) Notwithstanding any provision to the contrary in 17105
Chapter 4117. of the Revised Code, the requirements of this 17106
section prevail over any conflicting provisions of a collective 17107
bargaining agreement entered into on or after ~~the effective date~~ 17108
~~of this section~~ October 15, 2015. However, the board or 17109
governing authority and the teachers' labor organization may 17110
negotiate additional factors to be considered in the adoption of 17111
a community learning center plan. 17112

Sec. 3302.20. (A) The department of education and 17113
workforce shall develop standards for determining, from the 17114
existing data reported in accordance with sections 3301.0714 and 17115
3314.17 of the Revised Code, the amount of annual operating 17116
expenditures for classroom instructional purposes and for 17117
nonclassroom purposes for each city, exempted village, local, 17118
and joint vocational school district, each community school 17119
established under Chapter 3314. that is not an internet- or 17120
computer-based community school, each internet- or computer- 17121
based community school, and each STEM school established under 17122
Chapter 3326. of the Revised Code. ~~The department shall present~~ 17123
~~those standards to the state board of education for~~ 17124
~~consideration.~~ In developing the standards, the department shall 17125
adapt existing standards used by professional organizations, 17126
research organizations, and other state governments. The 17127
department also shall align the expenditure categories required 17128
for reporting under the standards with the categories that are 17129
required for reporting to the United States department of 17130

education under federal law. 17131

~~The state board shall consider the proposed standards and 17132
adopt a final set of standards not later than December 31, 2012. 17133
School districts, community schools, and STEM schools shall 17134
begin reporting data in accordance with the standards on June 17135
30, 2013. 17136~~

(B) (1) The department shall categorize all city, exempted 17137
village, and local school districts into not less than three nor 17138
more than five groups based primarily on average daily student 17139
enrollment as reported on the most recent report card issued for 17140
each district under section 3302.03 of the Revised Code. 17141

(2) The department shall categorize all joint vocational 17142
school districts into not less than three nor more than five 17143
groups based primarily on enrolled ADM as that term is defined 17144
in section 3317.02 of the Revised Code rounded to the nearest 17145
whole number. 17146

(3) The department shall categorize all community schools 17147
that are not internet- or computer-based community schools into 17148
not less than three nor more than five groups based primarily on 17149
average daily student enrollment as reported on the most recent 17150
report card issued for each community school under sections 17151
3302.03 and 3314.012 of the Revised Code or, in the case of a 17152
school to which section 3314.017 of the Revised Code applies, on 17153
the total number of students reported under divisions (B) (1) and 17154
(2) of section 3314.08 of the Revised Code. 17155

(4) The department shall categorize all internet- or 17156
computer-based community schools into a single category. 17157

(5) The department shall categorize all STEM schools into 17158
a single category. 17159

(C) Using the standards adopted under division (A) of this section and the data reported under sections 3301.0714 and 3314.17 of the Revised Code, the department shall compute annually for each fiscal year, the following:

(1) The percentage of each district's, community school's, or STEM school's total operating budget spent for classroom instructional purposes;

(2) The statewide average percentage for all districts, community schools, and STEM schools combined spent for classroom instructional purposes;

(3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;

(4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following:

(a) From highest to lowest percentage spent for classroom instructional purposes;

(b) From lowest to highest percentage spent for noninstructional purposes.

(5) The total operating expenditures per pupil for each district, community school, and STEM school;

(6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.

(D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:

(1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is: 17187
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(a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils; 17190
17191
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(b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores. 17193
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(2) Within each category of joint vocational school districts, the department shall denote each district that is: 17196
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(a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure per equivalent pupils; 17198
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(b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code. 17201
17202
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(3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is: 17204
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(a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils; 17207
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(b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. 17210
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(4) Within the category of internet- or computer-based 17214

community schools, the department shall denote each school that 17215
is: 17216

(a) Among the twenty per cent of all such community 17217
schools statewide with the lowest total operating expenditure 17218
per equivalent pupils; 17219

(b) Among the twenty per cent of all such community 17220
schools statewide with the highest performance index scores, 17221
excluding such community schools to which section 3314.017 of 17222
the Revised Code applies. 17223

(5) Within the category of STEM schools, the department 17224
shall denote each school that is: 17225

(a) Among the twenty per cent of all STEM schools 17226
statewide with the lowest total operating expenditure per 17227
equivalent pupils; 17228

(b) Among the twenty per cent of all STEM schools 17229
statewide with the highest performance index scores. 17230

For purposes of divisions (D) (3) (b) and (4) (b) of this 17231
section, the display shall note that, in accordance with section 17232
3314.017 of the Revised Code, a performance index score is not 17233
reported for some community schools that serve primarily 17234
students enrolled in dropout prevention and recovery programs. 17235

(E) The department shall post in a prominent location on 17236
its web site the information prescribed by divisions (C) and (D) 17237
of this section. The department also shall include on each 17238
district's, community school's, and STEM school's annual report 17239
card issued under section 3302.03 or 3314.017 of the Revised 17240
Code the respective information computed for the district or 17241
school under divisions (C) (1) and (4) of this section, the 17242
statewide information computed under division (C) (2) of this 17243

section, and the information computed for the district's or	17244
school's category under division (C) (3) of this section.	17245
(F) As used in this section:	17246
(1) "Internet- or computer-based community school" has the	17247
same meaning as in section 3314.02 of the Revised Code.	17248
(2) A school district's, community school's, or STEM	17249
school's performance index score rank is its performance index	17250
score rank as computed under section 3302.21 of the Revised	17251
Code.	17252
(3) "Expenditure per equivalent pupils" has the same	17253
meaning as in section 3302.26 of the Revised Code.	17254
Sec. 3302.21. (A) The department of education <u>and</u>	17255
<u>workforce</u> shall develop a system to rank order all city,	17256
exempted village, and local school districts, community schools	17257
established under Chapter 3314. of the Revised Code except those	17258
community schools to which section 3314.017 of the Revised Code	17259
applies, and STEM schools established under Chapter 3326. of the	17260
Revised Code according to the following measures:	17261
(1) Performance index score for each school district,	17262
community school, and STEM school and for each separate building	17263
of a district, community school, or STEM school. For districts,	17264
schools, or buildings to which the performance index score does	17265
not apply, the superintendent of public instruction <u>department</u>	17266
may develop another measure of student academic performance	17267
based on similar data and performance measures if appropriate	17268
and use that measure to include those buildings in the ranking	17269
so that districts, schools, and buildings may be reliably	17270
compared to each other.	17271
(2) Student performance growth from year to year, using	17272

the value-added progress dimension, if applicable, and other 17273
measures of student performance growth designated by the 17274
~~superintendent of public instruction department~~ for subjects and 17275
grades not covered by the value-added progress dimension or the 17276
alternative student academic progress measure if adopted under 17277
division (C) (1) (e) of section 3302.03 of the Revised Code; 17278

(3) Current operating expenditure per equivalent pupils as 17279
defined in section 3302.26 of the Revised Code; 17280

(4) Of total current operating expenditures, percentage 17281
spent for classroom instruction as determined under standards 17282
adopted by the state board under section 3302.20 of the Revised 17283
Code; 17284

(5) Performance of, and opportunities provided to, 17285
students identified as gifted using value-added progress 17286
dimensions, if applicable, and other relevant measures as 17287
designated by the ~~superintendent of public~~ 17288
~~instruction department~~. 17289

The department shall rank each district, each community 17290
school except a community school to which section 3314.017 of 17291
the Revised Code applies, and each STEM school annually in 17292
accordance with the system developed under this section. 17293

(B) In addition to the reports required by sections 17294
3302.03 and 3302.031 of the Revised Code, not later than the 17295
first day of September each year, the department shall issue a 17296
report for each city, exempted village, and local school 17297
district, each community school except a community school to 17298
which section 3314.017 of the Revised Code applies, and each 17299
STEM school indicating the district's or school's rank on each 17300
measure described in divisions (A) (1) to (4) of this section, 17301

including each separate building's rank among all public school 17302
buildings according to performance index score under division 17303
(A) (1) of this section. 17304

Sec. 3302.22. (A) The governor's effective and efficient 17305
schools recognition program is hereby created. Each year, the 17306
governor shall recognize, in a manner deemed appropriate by the 17307
governor, the top ten per cent of all public schools in this 17308
state, including city, exempted village, and local school 17309
districts, joint vocational school districts, community schools 17310
established under Chapter 3314., and STEM schools established 17311
under Chapter 3326. of the Revised Code. 17312

(B) The top ten per cent of schools shall be determined by 17313
the department of education and workforce according to standards 17314
established by the department, in consultation with the 17315
governor's office of 21st century education. The standards for 17316
recognition for each type of school may vary depending upon the 17317
unique characteristics of that type of school. The standards 17318
shall include, but need not be limited to, both of the 17319
following, provided that sufficient data is available for each 17320
school: 17321

(1) Student performance, as determined by factors that may 17322
include, but not be limited to, performance indicators under 17323
section 3302.02 of the Revised Code, report cards issued under 17324
section 3302.03 of the Revised Code, performance index score 17325
rankings under section 3302.21 of the Revised Code, and any 17326
other statewide or national assessment or student performance 17327
recognition program the department selects; 17328

(2) Fiscal performance, which may include cost-effective 17329
measures taken by the school. 17330

(C) If applicable, the standards under divisions (B) (1) 17331
and (2) of this section may be applied at the school building or 17332
district level, depending upon the quality and availability of 17333
data. 17334

Sec. 3302.25. (A) In accordance with standards prescribed 17335
by the ~~state board~~ department of education and workforce for 17336
categorization of school district expenditures adopted under 17337
division (A) of section 3302.20 of the Revised Code, the 17338
~~department of education~~ annually shall determine all of the 17339
following for the previous fiscal year: 17340

(1) For each school district, the ratio of the district's 17341
operating expenditures for classroom instructional purposes 17342
compared to its operating expenditures for nonclassroom 17343
purposes; 17344

(2) For each school district, the per pupil amount of the 17345
district's expenditures for classroom instructional purposes; 17346

(3) For each school district, the per pupil amount of the 17347
district's operating expenditures for nonclassroom purposes; 17348

(4) For each school district, the percentage of the 17349
district's operating expenditures attributable to school 17350
district funds; 17351

(5) The statewide average among all school districts for 17352
each of the items described in divisions (A) (1) to (4) of this 17353
section. 17354

(B) The department annually shall submit a report to each 17355
school district indicating the district's information for each 17356
of the items described in divisions (A) (1) to (4) of this 17357
section and the statewide averages described in division (A) (5) 17358
of this section. 17359

(C) Each school district, upon receipt of the report 17360
prescribed by division (B) of this section, shall publish the 17361
information contained in that report in a prominent location on 17362
the district's web site and publish the report in another 17363
fashion so that it is available to all parents of students 17364
enrolled in the district and to taxpayers of the district. 17365

Sec. 3302.26. (A) As used in this section: 17366

(1) "Expenditure per equivalent pupils" is the total 17367
operating expenditures of a school district divided by the 17368
measure of equivalent pupils. 17369

(2) "Measure of equivalent pupils" is the total number of 17370
students in a school district adjusted for the relative 17371
differences in costs associated with the unique characteristics 17372
and needs of each category of pupil. 17373

(B) The department of education and workforce shall create 17374
a performance management section on the department's public web 17375
site. The performance management section shall include 17376
information on academic and financial performance metrics for 17377
each school district to assist schools and districts in 17378
providing an effective and efficient delivery of educational 17379
services. The section shall be located in a prominent location 17380
on the department's public web site. The section shall include, 17381
but not be limited to, all of the following: 17382

(1) A graph that illustrates the relationship between a 17383
district's academic performance, as measured by the performance 17384
index score, and its expenditure per equivalent pupils as 17385
compared to similar districts; 17386

(2) Each district's total operating expenditures per 17387
pupil; 17388

(3) Statistics of academic and financial performance 17389
measures for each district to allow for a comparison and 17390
benchmarking between districts. 17391

(C) The department may contract with an independent 17392
organization to develop and host the performance management 17393
section of its web site. 17394

Sec. 3302.41. As used in this section, "blended learning" 17395
has the same meaning as in section 3301.079 of the Revised Code. 17396

(A) Any local, city, exempted village, or joint vocational 17397
school district, community school established under Chapter 17398
3314. of the Revised Code, STEM school established under Chapter 17399
3326. of the Revised Code, college-preparatory boarding school 17400
established under Chapter 3328. of the Revised Code, or 17401
chartered nonpublic school may operate all or part of a school 17402
using a blended learning model. If a school is operated using a 17403
blended learning model or is to cease operating using a blended 17404
learning model, the superintendent of the school or district or 17405
director of the school shall notify the department of education_ 17406
and workforce of that fact not later than the first day of July 17407
of the school year for which the change is effective. If any 17408
school district school, community school, or STEM school is 17409
already operated using a blended learning model on September 24, 17410
2012, the superintendent of the school or district may notify 17411
the department within ninety days after September 24, 2012, of 17412
that fact and request that the school be classified as a blended 17413
learning school. 17414

(B) The ~~state board of education~~ department shall revise 17415
any operating standards for school districts and chartered 17416
nonpublic schools adopted under section 3301.07 of the Revised 17417
Code to include standards for the operation of blended learning 17418

under this section. The blended learning operation standards 17419
shall provide for all of the following: 17420

(1) Student-to-teacher ratios whereby no school or 17421
classroom is required to have more than one teacher for every 17422
one hundred twenty-five students in blended learning classrooms; 17423

(2) The extent to which the school is or is not obligated 17424
to provide students with access to digital learning tools; 17425

(3) The ability of all students, at any grade level, to 17426
earn credits or advance grade levels upon demonstrating mastery 17427
of knowledge or skills through competency-based learning models. 17428
Credits or grade level advancement shall not be based on a 17429
minimum number of days or hours in a classroom. 17430

(4) Notwithstanding anything to the contrary in section 17431
3313.48 of the Revised Code, a requirement that the school have 17432
an annual instructional calendar of not less than nine hundred 17433
ten hours; 17434

(5) Adequate provisions for: the licensing of teachers, 17435
administrators, and other professional personnel and their 17436
assignment according to training and qualifications; efficient 17437
and effective instructional materials and equipment, including 17438
library facilities; the proper organization, administration, and 17439
supervision of each school, including regulations for preparing 17440
all necessary records and reports and the preparation of a 17441
statement of policies and objectives for each school; buildings, 17442
grounds, and health and sanitary facilities and services; 17443
admission of pupils, and such requirements for their promotion 17444
from grade to grade as will ensure that they are capable and 17445
prepared for the level of study to which they are certified; 17446
requirements for graduation; and such other factors as the board 17447

finds necessary. 17448

(C) An internet- or computer-based community school, as 17449
defined in section 3314.02 of the Revised Code, is not a blended 17450
learning school authorized under this section. Nor does this 17451
section affect any provisions for the operation of and payments 17452
to an internet- or computer-based community school prescribed in 17453
Chapter 3314. of the Revised Code. 17454

Sec. 3302.42. As used in this section, "online learning" 17455
has the same meaning as in section 3301.079 of the Revised Code. 17456

(A) Any local, city, exempted village, or joint vocational 17457
school district, with approval of the ~~superintendent of public~~ 17458
~~instruction~~department of education and workforce, may operate a 17459
school using an online learning model. If a school is operated 17460
using an online learning model or is to cease operating using an 17461
online learning model, the superintendent of the district shall 17462
notify the department ~~of education~~ of that fact not later than 17463
the first day of July of the school year for which the change is 17464
effective. If any school district school is currently operated 17465
using an online learning model ~~on the effective date of this~~ 17466
~~section~~ September 30, 2021, the superintendent of the district 17467
shall notify the department ~~within sixty days after the~~ 17468
~~effective date of this section~~ by November 29, 2021, of that 17469
fact and request that the school be classified as an online 17470
learning school. 17471

(1) Districts shall assign all students engaged in online 17472
learning to a single school which the department shall designate 17473
as a district online school. 17474

(2) Districts shall provide all students engaged in online 17475
learning a computer, at no cost, for instructional use. 17476

Districts shall provide a filtering device or install filtering software that protects against internet access to materials that are obscene or harmful to juveniles on each computer provided to students for instructional use.

(3) Districts shall provide all students engaged in online learning access to the internet, at no cost, for instructional use.

(4) Districts that operate an online learning school shall provide a comprehensive orientation for students and their parents or guardians prior to enrollment or within thirty days for students enrolled as of ~~the effective date of this section~~ September 30, 2021.

(5) Online learning schools operated by a district shall implement a learning management system that tracks the time students participate in online learning activities. All student learning activities completed while off-line shall be documented with all participation records checked and approved by the teacher of record.

(B) The ~~state board of education~~ department shall revise any operating standards for school districts adopted under section 3301.07 of the Revised Code to include standards for the operation of online learning under this section. The online learning operation standards shall provide for all of the following:

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

(2) The ability of all students, at any grade level, to earn credits or advance grade levels upon demonstrating mastery

of knowledge or skills through competency-based learning models. 17506
Credits or grade level advancement shall not be based on a 17507
minimum number of days or hours in a classroom. 17508

(3) Notwithstanding anything to the contrary in section 17509
3313.48 of the Revised Code, a requirement that schools 17510
operating using an online learning model have an annual 17511
instructional calendar of not less than nine hundred ten hours. 17512

(a) For funding purposes, the department shall reduce the 17513
full-time equivalence proportionally for any student in an 17514
online learning school who participates in less than nine 17515
hundred ten hours per school year. The department shall reduce 17516
state funding for students assigned to an online learning school 17517
operated by a district commensurate with such adjustments to 17518
enrollment. 17519

(b) The department shall develop a review process and make 17520
all adjustments of state funding to districts to reflect any 17521
participation of students in online learning schools for less 17522
than the equivalent of a full school year. 17523

(4) Adequate provisions for: the licensing of teachers, 17524
administrators, and other professional personnel and their 17525
assignment according to training and qualifications; efficient 17526
and effective instructional materials and equipment, including 17527
library facilities; the proper organization, administration, and 17528
supervision of each school, including regulations for preparing 17529
all necessary records and reports and the preparation of a 17530
statement of policies and objectives for each school; buildings, 17531
grounds, and health and sanitary facilities and services; 17532
admission of pupils, and such requirements for their promotion 17533
from grade to grade as will ensure that they are capable and 17534
prepared for the level of study to which they are certified; 17535

requirements for graduation; and such other factors as the board 17536
finds necessary. 17537

(C) This section does not affect any provisions for the 17538
operation of and payments to an internet- or computer-based 17539
community school prescribed in Chapter 3314. of the Revised 17540
Code. 17541

Sec. 3303.02. (A) The act of congress entitled, "An act to 17542
provide for the promotion of vocational education; to provide 17543
for cooperation with the states in the promotion of such 17544
education in agriculture and the trades and industries; to 17545
provide for cooperation with the states in the preparation of 17546
teachers of vocational subjects; and to appropriate money and 17547
regulate its expenditure," is hereby accepted. The ~~state board-~~ 17548
department of education and workforce has authority to accept 17549
supplementary acts for vocational education which are enacted by 17550
congress after September 16, 1957. 17551

(B) The ~~state board of education-~~department shall be the 17552
sole state agency for administration of programs for which 17553
federal funds are received pursuant to acts accepted under this 17554
section. This division does not apply to programs for which 17555
federal funds are received pursuant to the "Job Training 17556
Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C. 1501. 17557

(C) The ~~state board-~~department shall secure the written 17558
approval of the governor prior to submission of any state plan 17559
or application prepared by ~~the board or-~~ the department ~~of-~~ 17560
~~education~~ to obtain federal funds under any acts accepted under 17561
this section. 17562

Sec. 3303.04. The ~~state board-~~department of education and 17563
workforce may cooperate with the United States department of 17564

education in the administration of the act of congress referred 17565
to in section 3303.02 of the Revised Code and of any legislation 17566
pursuant thereto enacted by the state, and in the administration 17567
of the funds provided by the federal government and by the state 17568
under sections 3303.02 to 3303.06 of the Revised Code, for the 17569
improvement of agricultural, business, distributive, trade and 17570
industrial and home economics subjects, and vocational guidance. 17571
The ~~board~~ department of education and workforce may appoint such 17572
directors, supervisors, and other assistants as are necessary to 17573
carry out such sections, ~~such appointments to be made upon~~ 17574
~~nomination by the superintendent of public instruction.~~ The 17575
salaries and traveling expenses of such directors, supervisors, 17576
and assistants, and such other expenses as are necessary, shall 17577
be paid upon the approval of the ~~board~~ department of education 17578
and workforce. The ~~board~~ department of education and workforce 17579
may formulate plans for the promotion of vocational education in 17580
such subjects as an essential and integral part of the public 17581
school system of education; and provide for the preparation of 17582
teachers of such subjects, and expend federal and state funds 17583
appropriated under sections 3303.02 to 3303.06 of the Revised 17584
Code, for any purposes approved by the United States department 17585
of education. It may make studies and investigations relating to 17586
prevocational and vocational education in such subjects; promote 17587
and aid in the establishment by local communities of schools, 17588
departments, and classes, giving training in such subjects; 17589
cooperate with local communities in the maintenance of such 17590
schools, departments, and classes; establish standards for the 17591
teachers, supervisors, and directors of such subjects; and 17592
cooperate in the maintenance of schools, departments, or classes 17593
supported and controlled by the public for the preparation of 17594
teachers, supervisors, and directors of such subjects. 17595

Sec. 3303.05. Any school, department, or class giving 17596
instruction in agricultural, commercial, industrial, trade, and 17597
home economics subjects approved by the ~~state board~~ department 17598
of education and workforce and any school or college so 17599
approved, training teachers of such subjects, which receives the 17600
benefit of federal moneys is entitled also to receive for the 17601
salaries of teachers of said subjects an allotment of state 17602
money equal in amount to the amount of federal money which it 17603
receives for the same year. 17604

Sec. 3303.06. The treasurer of state is hereby designated 17605
as the custodian of all federal funds received for vocational 17606
education. All money so received or appropriated by the state 17607
for the purposes contemplated in the act of congress referred to 17608
in sections 3303.02 to 3303.06 of the Revised Code, or in acts 17609
supplementary thereto, shall be disbursed upon the order of the 17610
~~state board~~ department of education and workforce. 17611

Sec. 3303.20. The ~~superintendent of public instruction~~ 17612
director of education and workforce shall appoint a supervisor 17613
of agricultural education within the department of education and 17614
workforce. The supervisor shall be responsible for administering 17615
and disseminating to school districts information about 17616
agricultural education. The supervisor also may serve as the 17617
chair of the board of trustees of the Ohio FFA association, and 17618
may assist with the association's programs and activities in a 17619
manner that enables the association to maintain its state 17620
charter and to meet applicable requirements of the United States 17621
department of education and the national FFA organization. This 17622
assistance may include the provision of department personnel, 17623
services, and facilities. 17624

The department shall maintain an appropriate number of 17625

full-time employees focusing on agricultural education. The 17626
department shall employ at least three program consultants who 17627
shall be available to provide assistance to school districts on 17628
a regional basis throughout the state. At least one consultant 17629
may coordinate local activities of the student organization 17630
known as the future farmers of America. Department employees may 17631
not receive compensation from the Ohio FFA association, but the 17632
department may be reimbursed by the association for reasonable 17633
expenses related to assistance provided under this section. 17634

Sec. 3304.12. (A) There is hereby created a state 17635
rehabilitation services council to be known as the opportunities 17636
for Ohioans with disabilities council. The opportunities for 17637
Ohioans with disabilities agency shall provide administrative 17638
support to the council. The council shall consist of the 17639
following members: 17640

(1) An individual who represents a parent training and 17641
information center established in accordance with the federal 17642
"Individuals with Disabilities Education Act," 20 U.S.C. 1400; 17643

(2) A full-time employee of a client assistance program 17644
described in 34 C.F.R. 370.1; 17645

(3) A vocational counselor who has knowledge of and 17646
experience with vocational rehabilitation services; 17647

(4) An individual who represents community rehabilitation 17648
program service providers; 17649

(5) Four individuals each representing business, industry, 17650
or labor interests; 17651

(6) An individual who represents an organization that 17652
advocates on behalf of individuals with physical, cognitive, 17653
sensory, or mental disabilities; 17654

(7) An individual who represents individuals with disabilities who are unable to represent or have difficulty representing themselves; 17655
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(8) An individual who has applied for or received vocational rehabilitation services; 17658
17659

(9) An individual who represents institutions of secondary or higher education; 17660
17661

(10) An individual from the governor's executive workforce board established by section 6301.04 of the Revised Code; 17662
17663

(11) An individual from the department of education and workforce with knowledge of and experience with the "Individuals with Disabilities Education Act"; 17664
17665
17666

(12) An individual who represents the Ohio statewide independent living council. 17667
17668

A majority of the members of the council shall be individuals with disabilities who are not employed by the opportunities for Ohioans with disabilities agency. 17669
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The executive director of the opportunities for Ohioans with disabilities agency shall serve as a nonvoting member of the council. If a member of the council is an employee of the opportunities for Ohioans with disabilities agency, then that member also shall serve as a nonvoting member of the council. 17672
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(B) (1) All council members shall be appointed by the governor. The governor shall make initial appointments to the council not later than sixty days after ~~the effective date of this section~~ June 1, 2018. Of the initial appointments, five shall be for terms of three years, five for terms of two years, and five for terms of one year. Thereafter, terms shall be three 17677
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years. 17683

(2) When a term expires or a vacancy occurs before a term 17684
expires, a successor member shall be appointed. A member 17685
appointed to fill a vacancy occurring before the expiration of a 17686
term for which the member's predecessor was appointed shall hold 17687
office for the remainder of that term. 17688

(3) Except for the member described in division (A) (2) of 17689
this section and the executive director of the opportunities for 17690
Ohioans with disabilities agency, no person shall serve more 17691
than two consecutive terms on the council. Terms shall be 17692
considered consecutive unless they are separated by a period of 17693
three or more years. In determining a person's eligibility to 17694
serve on the council under this division, both of the following 17695
shall apply: 17696

(a) Time spent on the council while serving the remainder 17697
of an unexpired term to which another person was first appointed 17698
shall not be considered, provided that a period of at least 17699
three years passed between the time, if any, in which the person 17700
previously served on the council and the time the person is 17701
appointed to fulfill the unexpired term. 17702

(b) A person who is appointed to serve on the council at 17703
the beginning of a term and resigns before completing that term 17704
shall be considered to have served the full term. 17705

(C) Each member of the council shall serve without 17706
compensation, except to the extent that serving on the council 17707
is considered part of the member's regular duties of employment. 17708
Each member shall be reimbursed for actual expenses incurred in 17709
the performance of the member's official duties, including 17710
expenses for travel and personal assistance services. 17711

Sec. 3307.01. As used in this chapter:	17712
(A) "Employer" means the board of education, school district, governing authority of any community school established under Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, college, university, institution, or other agency within the state by which a teacher is employed and paid.	17713 17714 17715 17716 17717 17718 17719
(B)(1) "Teacher" means all of the following:	17720
(a) Any person paid from public funds and employed in the public schools of the state under any type of contract described in section 3311.77 or 3319.08 of the Revised Code in a position for which the person is required to have a license or registration issued pursuant to sections 3319.22 to 3319.31 of the Revised Code;	17721 17722 17723 17724 17725 17726
(b) Except as provided in division (B)(2)(b) or (c) of this section, any person employed as a teacher or faculty member in a community school or a science, technology, engineering, and mathematics school pursuant to Chapter 3314. or 3326. of the Revised Code;	17727 17728 17729 17730 17731
(c) Any person having a license or registration issued pursuant to sections 3319.22 to 3319.31 of the Revised Code and employed in a public school in this state in an educational position, as determined by the state board <u>department of education and workforce</u> , under programs provided for by federal acts or regulations and financed in whole or in part from federal funds, but for which no licensure requirements for the position can be made under the provisions of such federal acts or regulations;	17732 17733 17734 17735 17736 17737 17738 17739 17740

(d) Any other teacher or faculty member employed in any school, college, university, institution, or other agency wholly controlled and managed, and supported in whole or in part, by the state or any political subdivision thereof, including Central state university, Cleveland state university, and the university of Toledo;

(e) The educational employees of the department of education and workforce, as determined by the ~~state~~ superintendent of public instruction director of education and workforce;

(f) Any person having a registration issued pursuant to section 3301.28 of the Revised Code and employed as a tutor by the coordinating service center as defined in that section.

In all cases of doubt, the state teachers retirement board shall determine whether any person is a teacher, and its decision shall be final.

(2) "Teacher" does not include any of the following:

(a) Any eligible employee of a public institution of higher education, as defined in section 3305.01 of the Revised Code, who elects to participate in an alternative retirement plan established under Chapter 3305. of the Revised Code;

(b) Any person employed by a community school operator, as defined in section 3314.02 of the Revised Code, if on or before February 1, 2016, the school's operator was withholding and paying employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) for persons employed in the school as teachers, unless the person had contributing service in a community school in the state within one year prior to the later of February 1, 2016, or the date on which the operator for the first time

withholds and pays employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) for that person; 17770
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(c) Any person who would otherwise be a teacher under division (B) (2) (b) of this section who terminates employment with a community school operator and has no contributing service in a community school in the state for a period of at least one year from the date of termination of employment. 17772
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(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in section 3307.50 of the Revised Code. However, for purposes of this chapter, the following persons shall not be considered members: 17777
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(1) A student, intern, or resident who is not a member while employed part-time by a school, college, or university at which the student, intern, or resident is regularly attending classes; 17784
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(2) A person denied membership pursuant to section 3307.24 of the Revised Code; 17788
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(3) An other system retirant, as defined in section 3307.35 of the Revised Code, or a superannuate; 17790
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(4) An individual employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501; 17792
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(5) The surviving spouse of a member or retirant if the surviving spouse's only connection to the retirement system is an account in an STRS defined contribution plan. 17795
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(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund, except that "contributor" does not mean a member or retirant's surviving spouse with an account in an STRS defined contribution plan.

(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter.

(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year.

(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.

(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.

(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.

(J) "Actuary" means an actuarial professional contracted with or employed by the state teachers retirement board, who shall be either of the following:

(1) A member of the American academy of actuaries;	17827
(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.	17828 17829
(K) "Fiduciary" means a person who does any of the following:	17830 17831
(1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;	17832 17833 17834
(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	17835 17836
(3) Has any discretionary authority or responsibility in the administration of the system.	17837 17838
(L) (1) (a) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes.	17839 17840 17841 17842 17843 17844 17845 17846 17847 17848
(b) Except as provided in division (L) (1) (c) of this section, "compensation" includes amounts paid by an employer as a retroactive payment of earnings, damages, or back pay pursuant to a court order, court-adopted settlement agreement, or other settlement agreement if the retirement system receives both of the following:	17849 17850 17851 17852 17853 17854

(i) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the state teachers retirement board, for each year or portion of a year for which amounts are paid under the order or agreement;	17855 17856 17857 17858 17859
(ii) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the board, for each year or portion of a year not subject to division (L) (1) (b) (i) of this section for which the board determines the teacher was improperly paid, regardless of the teacher's ability to recover on such amounts improperly paid.	17860 17861 17862 17863 17864 17865 17866
(c) If any portion of an amount paid by an employer as a retroactive payment of earnings, damages, or back pay is for an amount, benefit, or payment described in division (L) (2) of this section, that portion of the amount is not compensation under this section.	17867 17868 17869 17870 17871
(2) Compensation does not include any of the following:	17872
(a) Payments for accrued but unused sick leave or personal leave, including payments made under a plan established pursuant to section 124.39 of the Revised Code or any other plan established by the employer;	17873 17874 17875 17876
(b) Payments made for accrued but unused vacation leave, including payments made pursuant to section 124.13 of the Revised Code or a plan established by the employer;	17877 17878 17879
(c) Payments made for vacation pay covering concurrent periods for which other salary, compensation, or benefits under this chapter or Chapter 145. or 3309. of the Revised Code are paid;	17880 17881 17882 17883

(d) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the teacher or the teacher's family, or amounts paid by the employer to the teacher in lieu of providing the insurance;	17884 17885 17886 17887 17888
(e) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, use of the employer's property or equipment, and reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	17889 17890 17891 17892 17893 17894
(f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L) (2) of this section;	17895 17896 17897
(g) Payments by the employer for services not actually rendered;	17898 17899
(h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:	17900 17901 17902
(i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;	17903 17904 17905 17906 17907 17908 17909
(ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under	17910 17911 17912

section 3319.22 of the Revised Code that is paid in accordance 17913
with uniform criteria applicable to all members employed by the 17914
board in positions requiring the licenses; 17915

(iii) A retroactive increase paid to a member employed by 17916
a school district board of education as a superintendent that is 17917
also paid as described in division (L) (2) (h) (i) of this section; 17918

(iv) A retroactive increase paid to a member employed by 17919
an employer other than a school district board of education in 17920
accordance with uniform criteria applicable to all members 17921
employed by the employer. 17922

(i) Payments made to or on behalf of a teacher that are in 17923
excess of the annual compensation that may be taken into account 17924
by the retirement system under division (a) (17) of section 401 17925
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 17926
U.S.C.A. 401(a) (17), as amended. For a teacher who first 17927
establishes membership before July 1, 1996, the annual 17928
compensation that may be taken into account by the retirement 17929
system shall be determined under division (d) (3) of section 17930
13212 of the "Omnibus Budget Reconciliation Act of 1993," Pub. 17931
L. No. 103-66, 107 Stat. 472. 17932

(j) Payments made under division (B), (C), or (E) of 17933
section 5923.05 of the Revised Code, Section 4 of Substitute 17934
Senate Bill No. 3 of the 119th general assembly, Section 3 of 17935
Amended Substitute Senate Bill No. 164 of the 124th general 17936
assembly, or Amended Substitute House Bill No. 405 of the 124th 17937
general assembly; 17938

(k) Anything of value received by the teacher that is 17939
based on or attributable to retirement or an agreement to 17940
retire. 17941

(3) The retirement board shall determine both of the following: 17942
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(a) Whether particular forms of earnings are included in any of the categories enumerated in this division; 17944
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(b) Whether any form of earnings not enumerated in this division is to be included in compensation. 17946
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Decisions of the board made under this division shall be final. 17948
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(M) "Superannuate" means both of the following: 17950

(1) A former teacher receiving from the system a retirement allowance under section 3307.58 or 3307.59 of the Revised Code; 17951
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(2) A former teacher receiving a benefit from the system under a plan established under section 3307.81 of the Revised Code, except that "superannuate" does not include a former teacher who is receiving a benefit based on disability under a plan established under section 3307.81 of the Revised Code. 17954
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For purposes of sections 3307.35 and 3307.353 of the Revised Code, "superannuate" also means a former teacher receiving from the system a combined service retirement benefit paid in accordance with section 3307.57 of the Revised Code, regardless of which retirement system is paying the benefit. 17959
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(N) "STRS defined benefit plan" means the plan described in sections 3307.50 to 3307.79 of the Revised Code. 17964
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(O) "STRS defined contribution plan" means the plans established under section 3307.81 of the Revised Code and includes the STRS combined plan under that section. 17966
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(P) "Faculty" means the teaching staff of a university, college, or school, including any academic administrators. 17969
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Sec. 3307.05. The state teachers retirement board shall consist of the following members: 17971
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(A) The ~~superintendent of public instruction~~ director of education and workforce or a designee of the ~~superintendent~~ director who has the following qualifications: 17973
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(1) The designee is a resident of this state. 17976

(2) Within the three years immediately preceding the appointment, the designee has not been employed by the public employees retirement system, police and fire pension fund, state teachers retirement system, school employees retirement system, or state highway patrol retirement system or by any person, partnership, or corporation that has provided to one of those retirement systems services of a financial or investment nature, including the management, analysis, supervision, or investment of assets. 17977
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(3) The designee has direct experience in the management, analysis, supervision, or investment of assets. 17986
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(B) One member, known as the treasurer of state's investment designee, who shall be appointed by the treasurer of state for a term of four years and have the following qualifications: 17988
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(1) The member is a resident of this state. 17992

(2) Within the three years immediately preceding the appointment, the member has not been employed by the public employees retirement system, police and fire pension fund, state teachers retirement system, school employees retirement system, 17993
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or state highway patrol retirement system or by any person, 17997
partnership, or corporation that has provided to one of those 17998
retirement systems services of a financial or investment nature, 17999
including management, analysis, supervision, or investment of 18000
assets. 18001

(3) The member has direct experience in the management, 18002
analysis, supervision, or investment of assets. 18003

(4) The member is not currently employed by the state or a 18004
political subdivision of the state. 18005

(C) Two members, known as the investment expert members, 18006
who shall be appointed for four-year terms. One investment 18007
expert member shall be appointed by the governor, and one 18008
investment expert member shall be jointly appointed by the 18009
speaker of the house of representatives and the president of the 18010
senate. Each investment expert member shall have the following 18011
qualifications: 18012

(1) Each member shall be a resident of this state. 18013

(2) Within the three years immediately preceding the 18014
appointment, each member shall not have been employed by the 18015
public employees retirement system, police and fire pension 18016
fund, state teachers retirement system, school employees 18017
retirement system, or state highway patrol retirement system or 18018
by any person, partnership, or corporation that has provided to 18019
one of those retirement systems services of a financial or 18020
investment nature, including the management, analysis, 18021
supervision, or investment of assets. 18022

(3) Each member shall have direct experience in the 18023
management, analysis, supervision, or investment of assets. 18024

Any investment expert member appointed to fill a vacancy 18025

occurring prior to the expiration of the term for which the 18026
member's predecessor was appointed shall hold office until the 18027
end of such term. The member shall continue in office subsequent 18028
to the expiration date of the member's term until the member's 18029
successor takes office, or until a period of sixty days has 18030
elapsed, whichever occurs first. 18031

(D) Five members, known as contributing members, who shall 18032
be members of the state teachers retirement system; 18033

(E) Two former members of the system, known as retired 18034
teacher members, who shall be superannuates who are not 18035
otherwise employed in positions requiring them to make 18036
contributions to the system. 18037

Sec. 3307.31. (A) Payments by boards of education and 18038
governing authorities of community schools to the state teachers 18039
retirement system, as provided in sections 3307.29 and 3307.291 18040
of the Revised Code, shall be made from the amount allocated 18041
under Chapter 3317. of the Revised Code prior to its 18042
distribution to the individual school districts or community 18043
schools. The amount due from each school district or community 18044
school shall be certified by the secretary of the system to the 18045
~~superintendent of public instruction~~ department of education and 18046
workforce monthly, or at such times as may be determined by the 18047
state teachers retirement board. 18048

The ~~superintendent~~ department shall deduct, from the 18049
amount allocated to each district or community school under 18050
Chapter 3317. of the Revised Code, the entire amounts due to the 18051
system from such district or school upon the certification to 18052
the ~~superintendent~~ department by the secretary thereof. 18053

The ~~superintendent~~ department shall certify to the 18054

director of budget and management the amounts thus due the 18055
system for payment. 18056

(B) Payments to the state teachers retirement system by a 18057
science, technology, engineering, and mathematics school shall 18058
be deducted from the amount allocated under section 3317.022 of 18059
the Revised Code and shall be made in the same manner as 18060
payments by boards of education under this section. 18061

Sec. 3309.011. "Employee" as defined in division (B) of 18062
section 3309.01 of the Revised Code, does not include any of the 18063
following: 18064

(A) Any person having a license or registration issued 18065
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 18066
employed in a public school in this state in an educational 18067
position, as determined by the ~~state board~~ department of 18068
education and workforce, under programs provided for by federal 18069
acts or regulations and financed in whole or in part from 18070
federal funds, but for which no licensure requirements for the 18071
position can be made under the provisions of such federal acts 18072
or regulations; 18073

(B) Any person who participates in an alternative 18074
retirement plan established under Chapter 3305. of the Revised 18075
Code; 18076

(C) Any person who elects to transfer from the school 18077
employees retirement system to the public employees retirement 18078
system under section 3309.312 of the Revised Code; 18079

(D) Any person whose full-time employment by the 18080
university of Akron as a state university law enforcement 18081
officer pursuant to section 3345.04 of the Revised Code 18082
commences on or after September 16, 1998; 18083

(E) Any person described in division (B) of section 18084
3309.013 of the Revised Code; 18085

(F) Any person described in division (D) of section 18086
145.011 of the Revised Code; 18087

(G) Any person described in division (B) (1) (b) of section 18088
3307.01 of the Revised Code. 18089

Sec. 3309.48. Any employee who left the service of an 18090
employer after attaining age sixty-five or over and such 18091
employer had failed or refused to deduct and transmit to the 18092
school employees retirement system the employee contributions as 18093
required by section 3309.47 of the Revised Code during any year 18094
for which membership was compulsory as determined by the school 18095
employees retirement board, shall be granted service credit 18096
without cost, which shall be considered as total service credit 18097
for the purposes of meeting the qualifications for service 18098
retirement provided by the law in effect on and retroactive to 18099
the first eligible retirement date following the date such 18100
employment terminated, but shall not be paid until formal 18101
application for such allowance on a form provided by the 18102
retirement board is received in the office of the retirement 18103
system. The total service credit granted under this section 18104
shall not exceed ten years for any such employee. 18105

The liability incurred by the retirement board because of 18106
the service credit granted under this section shall be 18107
determined by the retirement board, the cost of which shall be 18108
equal to an amount that is determined by applying the combined 18109
employee and employer rates of contribution against the 18110
compensation of such employee at the rates of contribution and 18111
maximum salary provisions in effect during such employment for 18112
each year for which credit is granted, together with interest at 18113

the rate to be credited accumulated contributions at retirement, 18114
compounded annually from the first day of the month payment was 18115
due the retirement system to and including the month of deposit, 18116
the total amount of which shall be collected from the employer. 18117
Such amounts shall be certified by the retirement board to the 18118
~~superintendent of public instruction, who~~ department of 18119
education and workforce, which shall deduct the amount due the 18120
system from any funds due the affected school district under 18121
Chapter 3317. of the Revised Code. The ~~superintendent~~ department 18122
shall certify to the director of budget and management the 18123
amount due the system for payment. The total amount paid shall 18124
be deposited into the employers' trust fund, and shall not be 18125
considered as accumulated contributions of the employee in the 18126
event of the employee's death or withdrawal of funds. 18127

Sec. 3309.491. (A) An actuary employed by the school 18128
employees retirement board shall annually determine the minimum 18129
annual compensation amount for each member that will be needed 18130
to fund the cost of providing future health care benefits under 18131
section 3309.69 of the Revised Code. The amount determined by 18132
the actuary under this division shall be approved by the board 18133
and shall be known as the "minimum compensation amount." 18134

(B) (1) The secretary of the school employees retirement 18135
board shall annually determine for each employer the "employer 18136
minimum compensation contribution." 18137

Subject to division (B) (2) of this section, the amount 18138
determined shall be the lesser of the following: 18139

(a) An amount equal to two per cent of the compensation of 18140
all members employed by the employer during the prior year; 18141

(b) The total of the amounts determined as follows for 18142

each member whose compensation for the prior year was less than 18143
the minimum compensation amount: 18144

(i) Subtract the member's compensation for the prior year 18145
from the minimum compensation amount; 18146

(ii) Multiply the remainder obtained under division (B) (1) 18147
(b) (i) of this section by one, or if the member earned less than 18148
a year's service credit for the prior year, by the same fraction 18149
as the fraction of a year's service credit credited to the 18150
member under section 3309.30 of the Revised Code; 18151

(iii) Multiply the product obtained under division (B) (1) 18152
(b) (ii) of this section by the employer contribution rate in 18153
effect for the year the service credit was earned. 18154

(2) If the total of the employer minimum contribution 18155
amounts determined under division (B) (1) of this section exceeds 18156
one and one-half per cent of the compensation of all members 18157
employed by employers required to pay the employer minimum 18158
compensation contribution, the school employees retirement board 18159
shall reduce the amount determined for each employer so that the 18160
total amount determined does not exceed one and one-half per 18161
cent of the compensation of all members employed by employers 18162
required to pay the employer minimum compensation contribution. 18163
Any reduction shall be applied to each employer in the same 18164
proportion as the employer's minimum compensation contribution 18165
bears to the total employer minimum compensation contribution. 18166

(C) The secretary shall annually certify to each employer 18167
the employer minimum compensation contribution determined under 18168
division (B) of this section. In addition to the employer 18169
contribution required by section 3309.49 of the Revised Code, 18170
each employer shall pay annually to the employers' trust fund 18171

the amount certified to the employer under this division. 18172

(D) Annually by the first day of August, the secretary 18173
shall submit to the ~~superintendent of public instruction~~ 18174
department of education and workforce a list of the payments 18175
made by each employer under this section during the preceding 18176
fiscal year. 18177

Sec. 3309.51. (A) Each employer shall pay into the 18178
employers' trust fund, monthly or at such times as the school 18179
employees retirement board requires, an amount certified by the 18180
school employees retirement board, which shall be as required by 18181
Chapter 3309. of the Revised Code. 18182

Payments by school district boards of education to the 18183
employers' trust fund of the school employees retirement system 18184
may be made from the amounts allocated under Chapter 3317. of 18185
the Revised Code prior to their distribution to the individual 18186
school districts. The amount due from each school district may 18187
be certified by the secretary of the system to the 18188
~~superintendent of public instruction~~ department of education and 18189
workforce monthly, or at such times as is determined by the 18190
school employees retirement board. 18191

Payments by governing authorities of community schools to 18192
the employers' trust fund of the school employees retirement 18193
system shall be made from the amounts allocated under section 18194
3317.022 of the Revised Code prior to their distribution to the 18195
individual community schools. The amount due from each community 18196
school shall be certified by the secretary of the system to the 18197
~~superintendent of public instruction~~ department monthly, or at 18198
such times as determined by the school employees retirement 18199
board. 18200

Payments by a science, technology, engineering, and 18201
mathematics school to the employers' trust fund of the school 18202
employees retirement system shall be made from the amounts 18203
allocated under section 3317.022 of the Revised Code prior to 18204
their distribution to the school. The amount due from a science, 18205
technology, engineering, and mathematics school shall be 18206
certified by the secretary of the school employees retirement 18207
system to the ~~superintendent of public instruction~~ department 18208
monthly, or at such times as determined by the school employees 18209
retirement board. 18210

(B) The ~~superintendent~~ department shall deduct from the 18211
amount allocated to each community school, to each school 18212
district, or to each science, technology, engineering, and 18213
mathematics school under Chapter 3317. of the Revised Code the 18214
entire amounts due to the school employees retirement system 18215
from such school or school district upon the certification to 18216
the ~~superintendent~~ department by the secretary thereof. 18217

(C) Where an employer fails or has failed or refuses to 18218
make payments to the employers' trust fund, as provided for 18219
under Chapter 3309. of the Revised Code, or fails to pay any 18220
penalty imposed under section 3309.571 of the Revised Code the 18221
secretary of the school employees retirement system may certify 18222
to the ~~state superintendent of public instruction~~ department, 18223
monthly or at such times as is determined by the school 18224
employees retirement board, the amount due from such employer, 18225
and the ~~superintendent~~ department shall deduct from the amount 18226
allocated to the employer under Chapter 3317. of the Revised 18227
Code, the entire amounts due to the system from the employer 18228
upon the certification to the ~~superintendent~~ department by the 18229
secretary of the school employees retirement system. 18230

(D) The ~~superintendent~~department shall certify to the 18231
director of budget and management the amounts thus due the 18232
system for payment. 18233

Sec. 3310.01. As used in sections 3310.01 to 3310.17 of 18234
the Revised Code: 18235

(A) "Chartered nonpublic school" means a nonpublic school 18236
that holds a valid charter issued by the ~~state board~~director of 18237
education and workforce under section 3301.16 of the Revised 18238
Code and meets the standards established for such schools in 18239
rules adopted by the ~~state board~~director. 18240

(B) An "eligible student" is a student who satisfies the 18241
conditions specified in section 3310.03 or 3310.032 of the 18242
Revised Code. 18243

(C) "Parent" has the same meaning as in section 3313.98 of 18244
the Revised Code. 18245

(D) "Resident district" means the school district in which 18246
a student is entitled to attend school under section 3313.64 or 18247
3313.65 of the Revised Code. 18248

(E) "School year" has the same meaning as in section 18249
3313.62 of the Revised Code. 18250

Sec. 3310.02. The educational choice scholarship pilot 18251
program is hereby established. Under the program, the department 18252
of education and workforce annually shall pay scholarships to 18253
attend chartered nonpublic schools in accordance with section 18254
3317.022 of the Revised Code. 18255

Sec. 3310.03. For the 2021-2022 school year and each 18256
school year thereafter, subject to division (G) of this section, 18257
a student is an "eligible student" for purposes of the 18258

educational choice scholarship pilot program if the student's 18259
resident district is not a school district in which the pilot 18260
project scholarship program is operating under sections 3313.974 18261
to 3313.979 of the Revised Code, the student satisfies one of 18262
the conditions in division (A), (B), or (C) of this section, and 18263
the student maintains eligibility to receive a scholarship under 18264
division (D) of this section. 18265

However, any student who received a scholarship for the 18266
2020-2021 school year under this section, as it existed prior to 18267
March 2, 2021, shall continue to receive that scholarship until 18268
the student completes grade twelve, as long as the student 18269
maintains eligibility to receive a scholarship under division 18270
(D) of this section. 18271

(A) (1) A student is eligible for a scholarship if the 18272
student is enrolled in a school building operated by the 18273
student's resident district and to which both of the following 18274
apply: 18275

(a) The building was ranked in the lowest twenty per cent 18276
of all buildings operated by city, local, and exempted village 18277
school districts according to performance index score as 18278
determined by the department of education and workforce, as 18279
follows: 18280

(i) For a scholarship sought for the 2021-2022 or 2022- 18281
2023 school year, the building was ranked in the lowest twenty 18282
per cent of buildings for each of the 2017-2018 and 2018-2019 18283
school years. 18284

(ii) For a scholarship sought for the 2023-2024 school 18285
year, the building was ranked in the lowest twenty per cent of 18286
buildings for each of the 2018-2019 and 2021-2022 school years. 18287

(iii) For a scholarship sought for the 2024-2025 school year, the building was ranked in the lowest twenty per cent of buildings for each of the 2021-2022 and 2022-2023 school years.

(iv) For a scholarship sought for the 2025-2026 school year or any school year thereafter, the building was ranked in the lowest twenty per cent of buildings for at least two of the three most recent consecutive rankings issued prior to the first day of July of the school year for which a scholarship is sought.

(b) The building is operated by a school district in which, for the three consecutive school years prior to the school year for which a scholarship is sought, an average of twenty per cent or more of the students entitled to attend school in the district, under section 3313.64 or 3313.65 of the Revised Code, were qualified to be included in the formula to distribute funds under Title I of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6301 et seq.

When ranking school buildings under division (A) (1) of this section, the department shall not include buildings operated by a school district in which the pilot project scholarship program is operating in accordance with sections 3313.974 to 3313.979 of the Revised Code.

(2) A student is eligible for a scholarship if the student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is

sought, to a school building described in division (A) (1) of 18318
this section. 18319

(3) A student is eligible for a scholarship if the student 18320
is enrolled in a community school established under Chapter 18321
3314. of the Revised Code but otherwise would be assigned under 18322
section 3319.01 of the Revised Code to a building described in 18323
division (A) (1) of this section. 18324

(4) A student is eligible for a scholarship if the student 18325
is enrolled in a school building operated by the student's 18326
resident district or in a community school established under 18327
Chapter 3314. of the Revised Code and otherwise would be 18328
assigned under section 3319.01 of the Revised Code to a school 18329
building described in division (A) (1) of this section in the 18330
school year for which the scholarship is sought. 18331

(5) A student is eligible for a scholarship if the student 18332
was enrolled in a public or nonpublic school or was homeschooled 18333
in the prior school year and completed any of grades eight 18334
through eleven in that school year and otherwise would be 18335
assigned under section 3319.01 of the Revised Code to a school 18336
building described in division (A) (1) of this section in the 18337
school year for which the scholarship is sought. 18338

(B) A student is eligible for a scholarship if the student 18339
is enrolled in a nonpublic school at the time the school is 18340
granted a charter by the ~~state board~~ director of education and 18341
workforce under section 3301.16 of the Revised Code and the 18342
student meets the standards of division (B) of section 3310.031 18343
of the Revised Code. 18344

(C) A student is eligible for a scholarship if the 18345
student's resident district is subject to section 3302.10 of the 18346

Revised Code and the student either: 18347

(1) Is enrolled in a school building operated by the 18348
resident district or in a community school established under 18349
Chapter 3314. of the Revised Code; 18350

(2) Will be both enrolling in any of grades kindergarten 18351
through twelve in this state for the first time and at least 18352
five years of age by the first day of January of the school year 18353
for which a scholarship is sought. 18354

(D) A student who receives a scholarship under the 18355
educational choice scholarship pilot program remains an eligible 18356
student and may continue to receive scholarships in subsequent 18357
school years until the student completes grade twelve, so long 18358
as all of the following apply: 18359

(1) The student's resident district remains the same, or 18360
the student transfers to a new resident district and otherwise 18361
would be assigned in the new resident district to a school 18362
building described in division (A) (1) or (C) of this section. 18363

(2) The student takes each assessment prescribed for the 18364
student's grade level under section 3301.0710, 3301.0712, or 18365
3313.619 of the Revised Code while enrolled in a chartered 18366
nonpublic school, unless one of the following applies to the 18367
student: 18368

(a) The student is excused from taking that assessment 18369
under federal law, the student's individualized education 18370
program, or division (C) (1) (c) (i) of section 3301.0711 of the 18371
Revised Code. 18372

(b) The student is enrolled in a chartered nonpublic 18373
school that meets the conditions specified in division (K) (2) or 18374
(L) (4) of section 3301.0711 of the Revised Code. 18375

(c) The student is enrolled in any of grades three to 18376
eight and takes an alternative standardized assessment under 18377
division (K) (1) of section 3301.0711 of the Revised Code. 18378

(d) The student is excused from taking the assessment 18379
prescribed under division (B) (1) of section 3301.0712 of the 18380
Revised Code pursuant to division (C) (1) (c) (ii) of section 18381
3301.0711 of the Revised Code. 18382

(3) In each school year that the student is enrolled in a 18383
chartered nonpublic school, the student is absent from school 18384
for not more than twenty days that the school is open for 18385
instruction, not including excused absences. 18386

(E) (1) The department shall cease awarding first-time 18387
scholarships pursuant to divisions (A) (1) to (5) of this section 18388
with respect to a school building that, in the most recent 18389
ratings of school buildings under section 3302.03 of the Revised 18390
Code prior to the first day of July of the school year, ceases 18391
to meet the criteria in division (A) (1) of this section. 18392

(2) The department shall cease awarding first-time 18393
scholarships pursuant to division (C) of this section with 18394
respect to a school district subject to section 3302.10 of the 18395
Revised Code when the academic distress commission established 18396
for the district ceases to exist. 18397

(3) However, students who have received scholarships in 18398
the prior school year remain eligible students pursuant to 18399
division (D) of this section. 18400

(F) The ~~state board of education~~ department shall adopt 18401
rules defining excused absences for purposes of division (D) (3) 18402
of this section. 18403

(G) Notwithstanding anything to the contrary in this 18404

section or section 3310.031 of the Revised Code, a student shall 18405
not be required to be enrolled or enrolling in a school building 18406
operated by the student's resident district or a community 18407
school in order to be eligible for a scholarship, as follows: 18408

(1) For a scholarship sought for the 2021-2022 school 18409
year, a student entering any of grades kindergarten through two; 18410

(2) For a scholarship sought for the 2022-2023 school 18411
year, a student entering any of grades kindergarten through 18412
four; 18413

(3) For a scholarship sought for the 2023-2024 school 18414
year, a student entering any of grades kindergarten through six; 18415

(4) For a scholarship sought for the 2024-2025 school 18416
year, a student entering any of grades kindergarten through 18417
eight; 18418

(5) For a scholarship sought for the 2025-2026 school 18419
year, and each school year thereafter, a student entering any of 18420
grades kindergarten through twelve. 18421

Sec. 3310.031. (A) The ~~state board~~ department of education 18422
and workforce shall adopt rules under section 3310.17 of the 18423
Revised Code establishing procedures for granting educational 18424
choice scholarships to eligible students attending a nonpublic 18425
school at the time the ~~state board~~ director of education and 18426
workforce grants the school a charter under section 3301.16 of 18427
the Revised Code. The procedures shall include at least the 18428
following: 18429

(1) Provisions for extending the application period for 18430
scholarships for the following school year, if necessary due to 18431
the timing of the award of the nonpublic school's charter, in 18432
order for students enrolled in the school at the time the 18433

charter is granted to apply for scholarships for the following 18434
school year; 18435

(2) Provisions for notifying the resident districts of the 18436
nonpublic school's students that the nonpublic school has been 18437
granted a charter and that educational choice scholarships may 18438
be awarded to the school's students for the following school 18439
year. 18440

(B) A student who is enrolled in a nonpublic school at the 18441
time the school's charter is granted is an eligible student if 18442
~~either of the following applies:~~ 18443

~~(1) For a scholarship sought for the 2020-2021 school-~~ 18444
~~year, the student satisfies division (B) of this section as it~~ 18445
~~existed prior to the effective date of this amendment and any~~ 18446
~~related condition prescribed by section 3310.03 of the Revised~~ 18447
~~Code, as it existed prior to the effective date of this~~ 18448
~~amendment.~~ 18449

~~(2) For a scholarship sought for the 2021-2022 school year-~~ 18450
~~or any school year thereafter, the student satisfies any of the~~ 18451
following conditions: 18452

~~(a)~~ (1) At the end of the last school year before the 18453
student enrolled in the nonpublic school, the student was 18454
enrolled in a school building operated by the student's resident 18455
district or in a community school established under Chapter 18456
3314. of the Revised Code and, for the current or following 18457
school year, the student otherwise would be assigned under 18458
section 3319.01 of the Revised Code to a school building 18459
described in division (A) (1) of section 3310.03 of the Revised 18460
Code. 18461

~~(b)~~ (2) The student was not enrolled in any public or 18462

other nonpublic school before the student enrolled in the 18463
nonpublic school and, for the current or following school year, 18464
otherwise would be assigned under section 3319.01 of the Revised 18465
Code to a school building described in division (A) (1) of 18466
section 3310.03 of the Revised Code. 18467

~~(e)~~ (3) At the end of the last school year before the 18468
student enrolled in the nonpublic school, the student was 18469
enrolled in a school building operated by the student's resident 18470
district and, during that school year, the building met the 18471
conditions described in division (A) (1) of section 3310.03 of 18472
the Revised Code. 18473

~~(d)~~ (4) At the end of the last school year before the 18474
student enrolled in the nonpublic school, the student was 18475
enrolled in a community school established under Chapter 3314. 18476
of the Revised Code but otherwise would have been assigned under 18477
section 3319.01 of the Revised Code to a school building that, 18478
during that school year, met the conditions described in 18479
division (A) (1) of section 3310.03 of the Revised Code. 18480

Sec. 3310.032. (A) A student is an "eligible student" for 18481
purposes of the expansion of the educational choice scholarship 18482
pilot program under this section if the student's resident 18483
district is not a school district in which the pilot project 18484
scholarship program is operating under sections 3313.974 to 18485
3313.979 of the Revised Code, the student is not eligible for an 18486
educational choice scholarship under section 3310.03 of the 18487
Revised Code, and either of the following apply: 18488

(1) The student's family income is at or below two hundred 18489
fifty per cent of the federal poverty guidelines, as defined in 18490
section 5101.46 of the Revised Code, when the student applies 18491
for a scholarship under this section. 18492

(2) The student's sibling, as defined in section 3310.033 of the Revised Code, receives a scholarship under this section for at least one of the following:

(a) For the school year immediately prior to the school year for which the student is seeking a scholarship;

(b) For the school year for which the student is seeking a scholarship.

(B) In each fiscal year for which the general assembly appropriates funds for purposes of this section, the department of education and workforce shall pay scholarships to attend chartered nonpublic schools in accordance with section 3317.022 of the Revised Code. The number of scholarships awarded under this section shall not exceed the number that can be funded for that school year as authorized by the general assembly.

(C) Scholarships under this section shall be awarded as follows:

(1) For the 2013-2014 school year, to eligible students who are entering kindergarten in that school year for the first time;

(2) For each subsequent school year through the 2019-2020 school year, scholarships shall be awarded to eligible students in the next grade level above the highest grade level awarded in the preceding school year, in addition to the grade levels for which students received scholarships in the preceding school year;

(3) Beginning with the 2020-2021 school year, to eligible students who are entering any of grades kindergarten through twelve in that school year for the first time.

(D) If the number of eligible students who apply for a scholarship under this section exceeds the scholarships available based on the appropriation for this section, the department shall award scholarships in the following order of priority:

(1) First, to eligible students who received scholarships under this section in the prior school year;

(2) Second, to eligible students with family incomes at or below one hundred per cent of the federal poverty guidelines. If the number of students described in division (D)(2) of this section who apply for a scholarship exceeds the number of available scholarships after awards are made under division (D)(1) of this section, the department shall select students described in division (D)(2) of this section by lot to receive any remaining scholarships.

(3) Third, to other eligible students who qualify under this section. If the number of students described in division (D)(3) of this section exceeds the number of available scholarships after awards are made under divisions (D)(1) and (2) of this section, the department shall select students described in division (D)(3) of this section by lot to receive any remaining scholarships.

(E) A student who receives a scholarship under this section remains an eligible student and may continue to receive scholarships under this section in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D)(2) and (3) of section 3310.03 of the Revised Code.

Once a scholarship is awarded under this section, the

student shall remain eligible for that scholarship for the 18550
current school year and subsequent school years even if the 18551
student's family income rises above the amount specified in 18552
division (A) of this section, provided the student remains 18553
enrolled in a chartered nonpublic school. 18554

Sec. 3310.033. (A) As used in this section: 18555

(1) "Foster child" means a child placed with a foster 18556
caregiver, as defined in section 5103.02 of the Revised Code. 18557

(2) "Qualifying student" means a student who is not 18558
entitled to attend school under section 3313.64 or 3313.65 of 18559
the Revised Code in a school district in which the pilot project 18560
scholarship program is operating under sections 3313.974 to 18561
3313.979 of the Revised Code. 18562

(3) "Kinship caregiver" has the same meaning as in section 18563
5101.85 of the Revised Code. 18564

(4) "Sibling" means any of the following: 18565

(a) A brother, half-brother, sister, or half-sister by 18566
birth, marriage, or adoption; 18567

(b) A cousin by birth, marriage, or adoption who is 18568
residing in the same household; 18569

(c) A foster child who is residing in the same household, 18570
including a child who is subsequently adopted by the child's 18571
foster family; 18572

(d) A child residing in the same household who is placed 18573
with a guardian or legal custodian; 18574

(e) A child who is residing in the same household and is 18575
being cared for by a kinship caregiver; 18576

(f) Any other child under eighteen years of age who has 18577
resided in the same household for at least forty-five 18578
consecutive days within the last calendar year. 18579

(5) "Caretaker" means the parent of a minor child or a 18580
relative acting in the parent's place. "Caretaker" also means 18581
another responsible adult who has care of the child and in whose 18582
household the child resides and, if not for residing in that 18583
household, the child would be homeless or likely to be homeless. 18584

(B) Notwithstanding anything in the Revised Code to the 18585
contrary, a qualifying student shall be eligible for an 18586
educational choice scholarship under section 3310.03 of the 18587
Revised Code, regardless of whether the student is enrolled in a 18588
school building described in division (A)(1) or (C) of that 18589
section, if any of the following apply: 18590

(1) The student's sibling received an educational choice 18591
scholarship under section 3310.03 of the Revised Code for the 18592
school year immediately prior to the school year for which the 18593
student is seeking a scholarship; 18594

(2) The student is a foster child; 18595

(3) The student is a child placed with a guardian, legal 18596
custodian, or kinship caregiver; 18597

(4) The student is not a child placed with a guardian, 18598
legal custodian, or kinship caregiver, but has resided in the 18599
same household as such a child for at least forty-five 18600
consecutive days within the last calendar year; 18601

(5) The student is not a foster child, but resides in a 18602
home that has received certification under section 5103.03 of 18603
the Revised Code; 18604

(6) The student satisfies all of the following conditions:	18605
(a) The student is not a foster child or a student described in division (B) (4) of this section.	18606 18607
(b) The student has resided in the household of an individual who is not the student's parent or guardian for at least forty-five consecutive days within the last calendar year and, if not for residing in that household, the student would have been homeless.	18608 18609 18610 18611 18612
(c) The student's parent or guardian resides in this state.	18613 18614
(7) The student is not a child described in division (B) (6) of this section, but has resided in the same household as a child described in that division for at least forty-five consecutive days within the last calendar year.	18615 18616 18617 18618
(C) A student who receives an educational choice scholarship under this section remains eligible for that scholarship and may continue to receive a scholarship in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D) (2) and (3) of section 3310.03 of the Revised Code.	18619 18620 18621 18622 18623 18624 18625
(D) The department of education <u>and workforce</u> may request any individual applying for a scholarship under this section on behalf of a qualifying student to provide appropriate documentation, as defined by the department, that the student meets the eligibility qualifications prescribed under this section. In the case of a student who qualifies under division (B) (6) of this section, such documentation shall be provided by the student's parent, guardian, or caretaker.	18626 18627 18628 18629 18630 18631 18632 18633

Sec. 3310.036. If a student is eligible for an educational choice scholarship under section 3310.03 of the Revised Code for a school year as of the first day of February prior to that school year, that student's eligibility for a scholarship for that school year shall not change solely because, after the first day of February, the department of education and workforce changes the internal retrieval number of the school building in which the student is enrolled or would otherwise be assigned.

Sec. 3310.07. (A) Any parent, or any student who is at least eighteen years of age, who is seeking a scholarship under the educational choice scholarship pilot program shall notify the department of education and workforce of the student's and parent's names and address, the chartered nonpublic school in which the student has been accepted for enrollment, and the tuition charged by the school.

(B) Not later than February 1, 2022, the department shall establish a system under which any parent, or any student who is at least eighteen years of age, may provide the department with a student's address and, not later than ten days after receiving the address, the department shall notify the parent, or student, using regular mail or electronic mail whether the student is eligible for an educational choice scholarship under section 3310.03 of the Revised Code. The student's resident district shall not be permitted to object to a student's eligibility for an educational choice scholarship under that section if the department's system determines the student is eligible.

For the purposes of division (B) of this section, not later than the first day of January of each year, each school district that has a school building described in division (A) (1) or (C) of section 3310.03 of the Revised Code shall submit to

the department, in the manner prescribed by the department, the 18664
attendance zone for students assigned to that building. 18665

Sec. 3310.11. (A) Only for the purpose of administering 18666
the educational choice scholarship pilot program, the department 18667
of education and workforce may request from any of the following 18668
entities the data verification code assigned under division (D) 18669
(2) of section 3301.0714 of the Revised Code to any student who 18670
is seeking a scholarship under the program: 18671

(1) The student's resident district; 18672

(2) If applicable, the community school in which that 18673
student is enrolled; 18674

(3) The independent contractor engaged to create and 18675
maintain student data verification codes. 18676

(B) Upon a request by the department under division (A) of 18677
this section for the data verification code of a student seeking 18678
a scholarship or a request by the student's parent for that 18679
code, the school district or community school shall submit that 18680
code to the department or parent in the manner specified by the 18681
department. If the student has not been assigned a code, because 18682
the student will be entering kindergarten during the school year 18683
for which the scholarship is sought, the district shall assign a 18684
code to that student and submit the code to the department or 18685
parent by a date specified by the department. If the district 18686
does not assign a code to the student by the specified date, the 18687
department shall assign a code to that student. 18688

The department annually shall submit to each school 18689
district the name and data verification code of each student 18690
residing in the district who is entering kindergarten, who has 18691
been awarded a scholarship under the program, and for whom the 18692

department has assigned a code under this division. 18693

(C) For the purpose of administering the applicable 18694
assessments prescribed under sections 3301.0710 and 3301.0712 of 18695
the Revised Code, as required by section 3310.14 of the Revised 18696
Code, the department shall provide to each chartered nonpublic 18697
school that enrolls a scholarship student the data verification 18698
code for that student. 18699

(D) The department and each chartered nonpublic school 18700
that receives a data verification code under this section shall 18701
not release that code to any person except as provided by law. 18702

Any document relative to this program that the department 18703
holds in its files that contains both a student's name or other 18704
personally identifiable information and the student's data 18705
verification code shall not be a public record under section 18706
149.43 of the Revised Code. 18707

Sec. 3310.13. (A) No chartered nonpublic school shall 18708
charge any student whose family income is at or below two 18709
hundred per cent of the federal poverty guidelines, as defined 18710
in section 5101.46 of the Revised Code, a tuition fee that is 18711
greater than the total amount paid for that student under 18712
section 3317.022 of the Revised Code. 18713

(B) A chartered nonpublic school may charge any other 18714
student who is paid a scholarship under that section up to the 18715
difference between the amount of the scholarship and the regular 18716
tuition charge of the school. Each chartered nonpublic school 18717
may permit such an eligible student's family to provide 18718
volunteer services in lieu of cash payment to pay all or part of 18719
the amount of the school's tuition not covered by the 18720
scholarship paid under section 3317.022 of the Revised Code. 18721

(C) Each chartered nonpublic school that charges a scholarship student an additional amount as authorized under division (B) of this section shall annually report to the department of education and workforce in the manner prescribed by the department the following:

(1) The number of students charged;

(2) The average of the amounts charged to such students.

Sec. 3310.14. (A) Except as provided in division (B) of this section, each chartered nonpublic school that is not subject to division (K) (1) of section 3301.0711 of the Revised Code and enrolls students awarded scholarships under sections 3310.01 to 3310.17 of the Revised Code annually shall administer the assessments prescribed by section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as applicable, to each scholarship student enrolled in the school in accordance with section 3301.0711 of the Revised Code. Each chartered nonpublic school that is subject to this section shall report to the department of education and workforce the results of each assessment administered to each scholarship student under this section.

Nothing in this section requires a chartered nonpublic school to administer any achievement assessment, except for an Ohio graduation test prescribed by division (B) (1) of section 3301.0710 or the college and work ready assessment system prescribed by division (B) of section 3301.0712 of the Revised Code to any student enrolled in the school who is not a scholarship student.

(B) A chartered nonpublic school that meets the conditions specified in division (K) (2) of section 3301.0711 of the Revised Code shall not be required to administer the elementary

assessments prescribed by division (A) of section 3301.0710 of 18751
the Revised Code. 18752

Sec. 3310.15. (A) The department of education and 18753
workforce annually shall compile the scores attained by 18754
scholarship students to whom an assessment is administered under 18755
section 3310.14 of the Revised Code. The scores shall be 18756
aggregated as follows: 18757

(1) By state, which shall include all students awarded a 18758
scholarship under the educational choice scholarship pilot 18759
program and who were required to take an assessment under 18760
section 3310.14 of the Revised Code; 18761

(2) By school district, which shall include all 18762
scholarship students who were required to take an assessment 18763
under section 3310.14 of the Revised Code and for whom the 18764
district is the student's resident district; 18765

(3) By chartered nonpublic school, which shall include all 18766
scholarship students enrolled in that school who were required 18767
to take an assessment under section 3310.14 of the Revised Code. 18768

(B) The department shall disaggregate the student 18769
performance data described in division (A) of this section 18770
according to the following categories: 18771

(1) Grade level; 18772

(2) Race and ethnicity; 18773

(3) Gender; 18774

(4) Students who have participated in the scholarship 18775
program for three or more years; 18776

(5) Students who have participated in the scholarship 18777

program for more than one year and less than three years; 18778

(6) Students who have participated in the scholarship 18779
program for one year or less; 18780

(7) Economically disadvantaged students. 18781

(C) The department shall post the student performance data 18782
required under divisions (A) and (B) of this section on its web 18783
site and, by the first day of February each year, shall 18784
distribute that data to the parent of each eligible student. In 18785
reporting student performance data under this division, the 18786
department shall not include any data that is statistically 18787
unreliable or that could result in the identification of 18788
individual students. For this purpose, the department shall not 18789
report performance data for any group that contains less than 18790
ten students. 18791

(D) The department shall provide the parent of each 18792
scholarship student with information comparing the student's 18793
performance on the assessments administered under section 18794
3310.14 of the Revised Code with the average performance of 18795
similar students enrolled in the building operated by the 18796
student's resident district that the scholarship student would 18797
otherwise attend. In calculating the performance of similar 18798
students, the department shall consider age, grade, race and 18799
ethnicity, gender, and socioeconomic status. 18800

Sec. 3310.16. (A) For the 2020-2021 school year and each 18801
school year thereafter, the department of education and 18802
workforce shall accept, process, and award scholarships each 18803
year for the educational choice scholarship pilot program under 18804
sections 3310.03 and 3310.032 of the Revised Code, as follows: 18805

(1) The application period shall open on the first day of 18806

February prior to the first day of July of the school year for 18807
which a scholarship is sought. Not later than forty-five days 18808
after an applicant submits to the department of education and 18809
workforce a completed application, the department ~~of education~~ 18810
shall determine whether that applicant is eligible for a 18811
scholarship and notify the applicant whether or not the 18812
applicant is eligible. The department ~~of education~~ shall award a 18813
scholarship to each student with an approved application. 18814
However, for any application submitted after the beginning of 18815
the school year, the department ~~of education~~ shall prorate the 18816
amount of the awarded scholarship based on how much of the 18817
school year remains. 18818

(2) In each school year, the department ~~of education~~ shall 18819
accept applications for conditional approval of a scholarship 18820
sought for that year or the next school year. Not later than 18821
five days after receiving an application under this division, 18822
the department ~~of education~~ shall grant conditional approval to 18823
an applicant who is eligible for a scholarship and notify the 18824
applicant whether or not conditional approval is granted. 18825

(B) If the department determines an application submitted 18826
under this section contains an error or deficiency, the 18827
department shall notify the applicant who submitted that 18828
application not later than fourteen days after the application 18829
is submitted. 18830

(C) The departments of education and workforce, job and 18831
family services, and taxation shall enter into a data sharing 18832
agreement so that, in administering this section, the department 18833
of education and workforce shall be able to determine, based on 18834
the address provided in a student's application, whether that 18835
student is eligible for an educational choice scholarship under 18836

section 3310.03 of the Revised Code and whether the student 18837
meets the residency requirements for an educational choice 18838
scholarship under section 3310.032 of the Revised Code. 18839

(D) No city, local, or exempted village school district 18840
shall have access to an application submitted under this 18841
section. 18842

Sec. 3310.17. (A) The ~~state board~~ department of education_ 18843
and workforce shall adopt rules in accordance with Chapter 119. 18844
of the Revised Code prescribing procedures for the 18845
administration of the educational choice scholarship pilot 18846
program. 18847

(B) The ~~state board and the~~ ~~department of education~~ shall 18848
not require chartered nonpublic schools to comply with any 18849
education laws or rules or other requirements that are not 18850
specified in sections 3310.01 to 3310.17 of the Revised Code or 18851
in rules necessary for the administration of the program, 18852
adopted under division (A) of this section, and that otherwise 18853
would not apply to a chartered nonpublic school. 18854

Sec. 3310.41. (A) As used in this section: 18855

(1) "Alternative public provider" means either of the 18856
following providers that agrees to enroll a child in the 18857
provider's special education program to implement the child's 18858
individualized education program and to which the child's parent 18859
owes fees for the services provided to the child: 18860

(a) A school district that is not the school district in 18861
which the child is entitled to attend school; 18862

(b) A public entity other than a school district. 18863

(2) "Entitled to attend school" means entitled to attend 18864

school in a school district under section 3313.64 or 3313.65 of
the Revised Code. 18865
18866

(3) "Formula ADM" has the same meaning as in section 18867
3317.02 of the Revised Code. 18868

(4) "Preschool child with a disability" and 18869
"individualized education program" have the same meanings as in 18870
section 3323.01 of the Revised Code. 18871

(5) "Parent" has the same meaning as in section 3313.64 of 18872
the Revised Code, except that "parent" does not mean a parent 18873
whose custodial rights have been terminated. "Parent" also 18874
includes the custodian of a qualified special education child, 18875
when a court has granted temporary, legal, or permanent custody 18876
of the child to an individual other than either of the natural 18877
or adoptive parents of the child or to a government agency. 18878

(6) "Qualified special education child" is a child for 18879
whom all of the following conditions apply: 18880

(a) The school district in which the child is entitled to 18881
attend school has identified the child as autistic. A child who 18882
has been identified as having a "pervasive developmental 18883
disorder - not otherwise specified (PPD-NOS)" shall be 18884
considered to be an autistic child for purposes of this section. 18885

(b) The school district in which the child is entitled to 18886
attend school has developed an individualized education program 18887
under Chapter 3323. of the Revised Code for the child. 18888

(c) The child either: 18889

(i) Was enrolled in the school district in which the child 18890
is entitled to attend school in any grade from preschool through 18891
twelve in the school year prior to the year in which a 18892

scholarship under this section is first sought for the child; or 18893

(ii) Is eligible to enter school in any grade preschool 18894
through twelve in the school district in which the child is 18895
entitled to attend school in the school year in which a 18896
scholarship under this section is first sought for the child. 18897

(7) "Registered private provider" means a nonpublic school 18898
or other nonpublic entity that has been approved by the 18899
department of education and workforce to participate in the 18900
program established under this section. 18901

(8) "Special education program" means a school or facility 18902
that provides special education and related services to children 18903
with disabilities. 18904

(B) There is hereby established the autism scholarship 18905
program. Under the program, the department ~~of education~~ shall 18906
pay a scholarship under section 3317.022 of the Revised Code to 18907
the parent of each qualified special education child upon 18908
application of that parent pursuant to procedures and deadlines 18909
established by rule of the ~~state board of education~~ department. 18910
Each scholarship shall be used only to pay tuition for the child 18911
on whose behalf the scholarship is awarded to attend a special 18912
education program that implements the child's individualized 18913
education program and that is operated by an alternative public 18914
provider or by a registered private provider, and to pay for 18915
other services agreed to by the provider and the parent of a 18916
qualified special education child that are not included in the 18917
individualized education program but are associated with 18918
educating the child. Upon agreement with the parent of a 18919
qualified special education child, the alternative public 18920
provider or the registered private provider may modify the 18921
services provided to the child. The purpose of the scholarship 18922

is to permit the parent of a qualified special education child 18923
the choice to send the child to a special education program, 18924
instead of the one operated by or for the school district in 18925
which the child is entitled to attend school, to receive the 18926
services prescribed in the child's individualized education 18927
program once the individualized education program is finalized 18928
and any other services agreed to by the provider and the parent 18929
of a qualified special education child. The services provided 18930
under the scholarship shall include an educational component or 18931
services designed to assist the child to benefit from the 18932
child's education. 18933

A scholarship under this section shall not be awarded to 18934
the parent of a child while the child's individualized education 18935
program is being developed by the school district in which the 18936
child is entitled to attend school, or while any administrative 18937
or judicial mediation or proceedings with respect to the content 18938
of the child's individualized education program are pending. A 18939
scholarship under this section shall not be used for a child to 18940
attend a public special education program that operates under a 18941
contract, compact, or other bilateral agreement between the 18942
school district in which the child is entitled to attend school 18943
and another school district or other public provider, or for a 18944
child to attend a community school established under Chapter 18945
3314. of the Revised Code. However, nothing in this section or 18946
in any rule adopted by the ~~state board~~ department shall prohibit 18947
a parent whose child attends a public special education program 18948
under a contract, compact, or other bilateral agreement, or a 18949
parent whose child attends a community school, from applying for 18950
and accepting a scholarship under this section so that the 18951
parent may withdraw the child from that program or community 18952
school and use the scholarship for the child to attend a special 18953

education program for which the parent is required to pay for 18954
services for the child. 18955

Except for development of the child's individualized 18956
education program, the school district in which a qualified 18957
special education child is entitled to attend school and the 18958
child's school district of residence, as defined in section 18959
3323.01 of the Revised Code, if different, are not obligated to 18960
provide the child with a free appropriate public education under 18961
Chapter 3323. of the Revised Code for as long as the child 18962
continues to attend the special education program operated by 18963
either an alternative public provider or a registered private 18964
provider for which a scholarship is awarded under the autism 18965
scholarship program. If at any time, the eligible applicant for 18966
the child decides no longer to accept scholarship payments and 18967
enrolls the child in the special education program of the school 18968
district in which the child is entitled to attend school, that 18969
district shall provide the child with a free appropriate public 18970
education under Chapter 3323. of the Revised Code. 18971

A child attending a special education program with a 18972
scholarship under this section shall continue to be entitled to 18973
transportation to and from that program in the manner prescribed 18974
by law. 18975

(C) As prescribed in division (A) (2) (h) of section 3317.03 18976
of the Revised Code, a child who is not a preschool child with a 18977
disability for whom a scholarship is awarded under this section 18978
shall be counted in the formula ADM of the district in which the 18979
child is entitled to attend school and not in the formula ADM of 18980
any other school district. 18981

(D) A scholarship shall not be paid under section 3317.022 18982
of the Revised Code to a parent for payment of tuition owed to a 18983

nonpublic entity unless that entity is a registered private 18984
provider. The department shall approve entities that meet the 18985
standards established by rule of the ~~state board~~ department for 18986
the program established under this section. 18987

(E) The ~~state board~~ department shall adopt rules under 18988
Chapter 119. of the Revised Code prescribing procedures 18989
necessary to implement this section, including, but not limited 18990
to, procedures and deadlines for parents to apply for 18991
scholarships, standards for registered private providers, and 18992
procedures for approval of entities as registered private 18993
providers. 18994

The rules also shall specify that intervention services 18995
under the autism scholarship program may be provided by a 18996
qualified, credentialed provider, including, but not limited to, 18997
all of the following: 18998

(1) A behavior analyst certified by a nationally 18999
recognized organization that certifies behavior analysts; 19000

(2) A psychologist licensed to practice in this state 19001
under Chapter 4732. of the Revised Code; 19002

(3) A school psychologist licensed by the state board of 19003
education under section 3319.22 of the Revised Code; 19004

(4) Any person employed by a licensed psychologist or 19005
licensed school psychologist, while carrying out specific tasks, 19006
under the licensee's supervision, as an extension of the 19007
licensee's legal and ethical authority as specified under 19008
Chapter 4732. of the Revised Code who is ascribed as "psychology 19009
trainee," "psychology assistant," "psychology intern," a 19010
"registered behavior technician" as described under rule 5123-9- 19011
41 of the Administrative Code, a "certified Ohio behavior 19012

analyst" under Chapter 4783. of the Revised Code, or other 19013
appropriate term that clearly implies their supervised or 19014
training status; 19015

(5) Unlicensed persons holding a doctoral degree in 19016
psychology or special education from a program approved by the- 19017
~~state board department~~; 19018

(6) Any other qualified individual as determined by the- 19019
~~state board department~~. 19020

(F) The department shall provide reasonable notice to all 19021
parents of children receiving a scholarship under the autism 19022
scholarship program, alternative public providers, and 19023
registered private providers of any amendment to a rule 19024
governing, or change in the administration of, the autism 19025
scholarship program. 19026

Sec. 3310.411. Any registered private provider approved to 19027
participate in the autism scholarship program and any of its 19028
employees shall be subject to a criminal records check as 19029
specified in sections 109.57 and 109.572 of the Revised Code. 19030
The registered private provider shall submit the results of any 19031
records checks to the department of education and workforce. The 19032
department shall use the information submitted to enroll the 19033
individual for whom a records check is completed in the retained 19034
applicant fingerprint database, established under section 19035
109.5721 of the Revised Code, in the same manner as any teacher 19036
licensed under sections 3319.22 to 3319.31 of the Revised Code. 19037

Sec. 3310.42. (A) Only for the purpose of administering 19038
the autism scholarship program, the department of education and 19039
workforce may request from any of the following entities the 19040
data verification code assigned under division (D) (2) of section 19041

3301.0714 of the Revised Code to any child who is seeking a scholarship under the program: 19042
19043

(1) The school district in which the child is entitled to attend school; 19044
19045

(2) If applicable, the community school in which the child is enrolled; 19046
19047

(3) The independent contractor engaged to create and maintain data verification codes. 19048
19049

(B) Upon a request by the department under division (A) of this section for the data verification code of a child seeking a scholarship or a request by the child's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the child has not been assigned a code, because the child will be entering preschool or kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. 19050
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The department annually shall submit to each school district the name and data verification code of each child residing in the district who is entering preschool or kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 19062
19063
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19067

(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law. 19068
19069
19070

(D) Any document relative to the autism scholarship program that the department holds in its files that contains both a child's name or other personally identifiable information and the child's data verification code shall not be a public record under section 149.43 of the Revised Code.

Sec. 3310.51. As used in sections 3310.51 to 3310.64 of the Revised Code:

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

(1) A school district that is not the school district in which the child is entitled to attend school or the child's school district of residence, if different;

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

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

(C) "Eligible applicant" means any of the following:

(1) Either of the natural or adoptive parents of a qualified special education child, except as otherwise specified in this division. When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment, or when the natural or adoptive parents of the student are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental rights and responsibilities with respect to the child, "eligible applicant" means the residential parent

as designated by the court. If the court issues a shared 19100
parenting decree, "eligible applicant" means either parent. 19101
"Eligible applicant" does not mean a parent whose custodial 19102
rights have been terminated. 19103

(2) The custodian of a qualified special education child, 19104
when a court has granted temporary, legal, or permanent custody 19105
of the child to an individual other than either of the natural 19106
or adoptive parents of the child or to a government agency; 19107

(3) The guardian of a qualified special education child, 19108
when a court has appointed a guardian for the child; 19109

(4) The grandparent of a qualified special education 19110
child, when the grandparent is the child's attorney in fact 19111
under a power of attorney executed under sections 3109.51 to 19112
3109.62 of the Revised Code or when the grandparent has executed 19113
a caretaker authorization affidavit under sections 3109.65 to 19114
3109.73 of the Revised Code; 19115

(5) The surrogate parent appointed for a qualified special 19116
education child pursuant to division (B) of section 3323.05 and 19117
section 3323.051 of the Revised Code; 19118

(6) A qualified special education child, if the child does 19119
not have a custodian or guardian and the child is at least 19120
eighteen years of age. 19121

(D) "Entitled to attend school" means entitled to attend 19122
school in a school district under sections 3313.64 and 3313.65 19123
of the Revised Code. 19124

(E) "Formula ADM" has the same meaning as in section 19125
3317.02 of the Revised Code. 19126

(F) "Qualified special education child" is a child for 19127

whom all of the following conditions apply: 19128

(1) The child is at least five years of age and less than 19129
twenty-two years of age. 19130

(2) The school district in which the child is entitled to 19131
attend school, or the child's school district of residence if 19132
different, has identified the child as a child with a 19133
disability. 19134

(3) The school district in which the child is entitled to 19135
attend school, or the child's school district of residence if 19136
different, has developed an individualized education program 19137
under Chapter 3323. of the Revised Code for the child. 19138

(4) The child either: 19139

(a) Was enrolled in the schools of the school district in 19140
which the child is entitled to attend school in any grade from 19141
kindergarten through twelve in the school year prior to the 19142
school year in which a scholarship is first sought for the 19143
child; 19144

(b) Is eligible to enter school in any grade kindergarten 19145
through twelve in the school district in which the child is 19146
entitled to attend school in the school year in which a 19147
scholarship is first sought for the child. 19148

(5) The department of education and workforce has not 19149
approved a scholarship for the child under the educational 19150
choice scholarship pilot program, under sections 3310.01 to 19151
3310.17 of the Revised Code, the autism scholarship program, 19152
under section 3310.41 of the Revised Code, or the pilot project 19153
scholarship program, under sections 3313.974 to 3313.979 of the 19154
Revised Code for the same school year in which a scholarship 19155
under the Jon Peterson special needs scholarship program is 19156

sought. 19157

(6) The child and the child's parents are in compliance 19158
with the state compulsory attendance law under Chapter 3321. of 19159
the Revised Code. 19160

(G) "Registered private provider" means a nonpublic school 19161
or other nonpublic entity that has been registered by the 19162
superintendent of public instruction under section 3310.58 of 19163
the Revised Code prior to the effective date of this amendment 19164
or the department of education and workforce on or after that 19165
date. 19166

(H) "Scholarship" means a scholarship awarded under the 19167
Jon Peterson special needs scholarship program pursuant to 19168
sections 3310.51 to 3310.64 of the Revised Code. 19169

(I) "School district of residence" has the same meaning as 19170
in section 3323.01 of the Revised Code. A community school 19171
established under Chapter 3314. of the Revised Code is not a 19172
"school district of residence" for purposes of sections 3310.51 19173
to 3310.64 of the Revised Code. 19174

(J) "School year" has the same meaning as in section 19175
3313.62 of the Revised Code. 19176

(K) "Special education program" means a school or facility 19177
that provides special education and related services to children 19178
with disabilities. 19179

Sec. 3310.52. (A) The Jon Peterson special needs 19180
scholarship program is hereby established. Under the program, 19181
beginning with the 2012-2013 school year, subject to division 19182
(B) of this section, the department of education and workforce 19183
annually shall pay a scholarship under section 3317.022 of the 19184
Revised Code to an eligible applicant for services provided by 19185

an alternative public provider or a registered private provider 19186
for a qualified special education child. The scholarship shall 19187
be used only to pay all or part of the fees for the child to 19188
attend the special education program operated by the alternative 19189
public provider or registered private provider to implement the 19190
child's individualized education program, in lieu of the child's 19191
attending the special education program operated by the school 19192
district in which the child is entitled to attend school, and 19193
other services agreed to by the provider and eligible applicant 19194
that are not included in the individualized education program 19195
but are associated with educating the child. Beginning in the 19196
2014-2015 school year, if the child is receiving special 19197
education services for a disability specified in division (A) of 19198
section 3317.013 of the Revised Code, the scholarship shall be 19199
used only to pay for related services that are included in the 19200
child's individualized education program. Upon agreement with 19201
the eligible applicant, the alternative public provider or 19202
registered private provider may modify the services provided to 19203
the child. 19204

(B) The number of scholarships awarded under the program 19205
in any fiscal year shall not exceed five per cent of the total 19206
number of students residing in the state identified as children 19207
with disabilities during the previous fiscal year. 19208

(C) The department shall pay a scholarship under section 19209
3317.022 of the Revised Code to the parent of each qualified 19210
special education child, unless the parent authorizes a direct 19211
payment to the child's provider, upon application of that parent 19212
in the manner prescribed by the department. However, the 19213
department shall not adopt specific dates for application 19214
deadlines for scholarships under the program. 19215

Sec. 3310.521. (A) As a condition of receiving payments 19216
for a scholarship, each eligible applicant shall attest to 19217
receipt of the profile prescribed by division (B) of this 19218
section. Such attestation shall be made and submitted to the 19219
department of education and workforce in the form and manner as 19220
required by the department. 19221

(B) The alternative public provider or registered private 19222
provider that enrolls a qualified special education child shall 19223
submit in writing to the eligible applicant to whom a 19224
scholarship is awarded on behalf of that child a profile of the 19225
provider's special education program, in a form as prescribed by 19226
the department, that shall contain the following: 19227

(1) Methods of instruction that will be utilized by the 19228
provider to provide services to the qualified special education 19229
child; 19230

(2) Qualifications of teachers, instructors, and other 19231
persons who will be engaged by the provider to provide services 19232
to the qualified special education child. 19233

Sec. 3310.522. (A) In order to maintain eligibility for a 19234
scholarship, a student shall take each assessment prescribed by 19235
section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, 19236
as applicable, in accordance with section 3301.0711 of the 19237
Revised Code, unless one of the following applies to the 19238
student: 19239

(1) The student is excused from taking that assessment 19240
under federal law, the student's individualized education 19241
program, or division (C) (1) (c) (i) of section 3301.0711 of the 19242
Revised Code. 19243

(2) The student is enrolled in a chartered nonpublic 19244

school that meets the conditions specified in division (K) (2) or 19245
(L) (4) of section 3301.0711 of the Revised Code. 19246

(3) The student is enrolled in any of grades three to 19247
eight and takes an alternative standardized assessment under 19248
division (K) (1) of section 3301.0711 of the Revised Code or 19249
division (B) (3) of this section. 19250

(4) The student is excused from taking the assessment 19251
prescribed under division (B) (1) of section 3301.0712 of the 19252
Revised Code pursuant to division (C) (1) (c) (ii) of section 19253
3301.0711 of the Revised Code. 19254

(B) Each registered private provider that is not subject 19255
to division (K) (1) of section 3301.0711 of the Revised Code and 19256
enrolls a student who is awarded a scholarship shall administer 19257
each assessment prescribed by section 3301.0710, 3301.0712, or 19258
3313.619 of the Revised Code, as applicable, to that student in 19259
accordance with section 3301.0711 of the Revised Code, unless 19260
one of the following applies to the student: 19261

(1) The student is excused from taking that assessment 19262
under division (A) (1) of this section. 19263

(2) The student is enrolled in a chartered nonpublic 19264
school that meets the conditions specified in division (K) (2) or 19265
(L) (4) of section 3301.0711 of the Revised Code. 19266

(3) The student is enrolled in any of grades three to 19267
eight and the registered private provider administers an 19268
alternative standardized assessment determined by the department 19269
of education and workforce under division (K) (1) of section 19270
3301.0711 of the Revised Code to the student. 19271

(4) The student is excused from taking the assessment 19272
prescribed under division (B) (1) of section 3301.0712 of the 19273

Revised Code pursuant to division (C) (1) (c) (ii) of section 19274
3301.0711 of the Revised Code. 19275

The registered private provider shall report to the 19276
department the results of each assessment so administered under 19277
division (B) of this section. 19278

(C) Nothing in this section requires any chartered 19279
nonpublic school that is a registered private provider to 19280
administer any achievement assessment, except for an Ohio 19281
graduation test prescribed by division (B) (1) of section 19282
3301.0710 or the college and work ready assessment system 19283
prescribed by division (B) of section 3301.0712 of the Revised 19284
Code to any student enrolled in the school who is not a 19285
scholarship student. 19286

Sec. 3310.53. (A) Except for development of the child's 19287
individualized education program, as specified in division (B) 19288
of this section, the school district in which a qualified 19289
special education child is entitled to attend school and the 19290
child's school district of residence, if different, are not 19291
obligated to provide the child with a free appropriate public 19292
education under Chapter 3323. of the Revised Code for as long as 19293
the child continues to attend the special education program 19294
operated by either an alternative public provider or a 19295
registered private provider for which a scholarship is awarded 19296
under the Jon Peterson special needs scholarship program. If at 19297
any time, the eligible applicant for the child decides no longer 19298
to accept scholarship payments and enrolls the child in the 19299
special education program of the school district in which the 19300
child is entitled to attend school, that district shall provide 19301
the child with a free appropriate public education under Chapter 19302
3323. of the Revised Code. 19303

(B) Each eligible applicant and each qualified special education child have a continuing right to the development of an individualized education program for the child that complies with Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and administrative rules or guidelines adopted by the ~~Ohio~~ department of education and workforce or the United States department of education. The school district in which a qualified special education child is entitled to attend school, or the child's school district of residence if different, shall develop each individualized education program for the child in accordance with those provisions.

(C) Each school district shall notify an eligible applicant of the applicant's and qualified special education child's rights under sections 3310.51 to 3310.64 of the Revised Code by providing to each eligible applicant the comparison document prescribed in section 3323.052 of the Revised Code. An eligible applicant's receipt of that document, as acknowledged in a format prescribed by the department of education and workforce, shall constitute notice that the eligible applicant has been informed of those rights. Upon receipt of that document, subsequent acceptance of a scholarship constitutes the eligible applicant's informed consent to the provisions of sections 3310.51 to 3310.64 of the Revised Code.

Sec. 3310.58. No nonpublic school or entity shall receive payments from an eligible applicant for services for a qualified special education child under the Jon Peterson special needs scholarship program until the school or entity registers with the ~~superintendent of public instruction~~ department of education and workforce. The ~~superintendent~~ department shall register and designate as a registered private provider any nonpublic school or entity that meets the following requirements:

(A) The school or entity complies with the 19335
antidiscrimination provisions of 42 U.S.C. 2000d, regardless of 19336
whether the school or entity receives federal financial 19337
assistance. 19338

(B) If the school or entity is not chartered by the ~~state-~~ 19339
~~board-director of education and workforce~~ under section 3301.16 19340
of the Revised Code, the school or entity agrees to comply with 19341
sections 3319.39, 3319.391, and 3319.392 of the Revised Code as 19342
if it were a school district. 19343

(C) The teaching and nonteaching professionals employed by 19344
the school or entity, or employed by any subcontractors of the 19345
school or entity, hold credentials determined by the state board 19346
of education to be appropriate for the qualified special 19347
education children enrolled in the special education program it 19348
operates. 19349

(D) The school's or entity's educational program shall be 19350
approved by the department ~~of education~~. 19351

(E) The school or entity meets applicable health and 19352
safety standards established by law. 19353

(F) The school or entity agrees to retain on file 19354
documentation as required by the department ~~of education~~. 19355

(G) The school or entity agrees to provide a record of the 19356
implementation of the individualized education program for each 19357
qualified special education child enrolled in the school's or 19358
entity's special education program, including evaluation of the 19359
child's progress, to the school district in which the child is 19360
entitled to attend school, in the form and manner prescribed by 19361
the department. 19362

(H) The school or entity agrees that, if it declines to 19363

enroll a particular qualified special education child, it will 19364
notify in writing the eligible applicant of its reasons for 19365
declining to enroll the child. 19366

Sec. 3310.59. The ~~superintendent of public instruction~~ 19367
department of education and workforce shall revoke the 19368
registration of any school or entity if, after a hearing, the 19369
~~superintendent~~ department determines that the school or entity 19370
is in violation of any provision of section 3310.522 or 3310.58 19371
of the Revised Code. 19372

Sec. 3310.62. (A) A scholarship under the Jon Peterson 19373
special needs scholarship program shall not be awarded for the 19374
first time to an eligible applicant on behalf of a qualified 19375
special education child while the child's individualized 19376
education program is being developed by the school district in 19377
which the child is entitled to attend school, or by the child's 19378
school district of residence if different, or while any 19379
administrative or judicial mediation or proceedings with respect 19380
to the content of that individualized education program are 19381
pending. 19382

(B) Development of individualized education programs 19383
subsequent to the one developed for the child the first time a 19384
scholarship was awarded on behalf of the child and the 19385
prosecuting, by the eligible applicant on behalf of the child, 19386
of administrative or judicial mediation or proceedings with 19387
respect to any of those subsequent individualized education 19388
programs do not affect the applicant's and the child's continued 19389
eligibility for scholarship payments. 19390

(C) In the case of any child for whom a scholarship has 19391
been awarded, if the school district in which the child is 19392
entitled to attend school has agreed to provide some services 19393

for the child under an agreement entered into with the eligible 19394
applicant or with the alternative public provider or registered 19395
private provider implementing the child's individualized 19396
education program, or if the district is required by law to 19397
provide some services for the child, including transportation 19398
services under sections 3310.60 and 3327.01 of the Revised Code, 19399
the district shall not discontinue the services it is providing 19400
pending completion of any administrative proceedings regarding 19401
those services. The prosecuting, by the eligible applicant on 19402
behalf of the child, of administrative proceedings regarding the 19403
services provided by the district does not affect the 19404
applicant's and the child's continued eligibility for 19405
scholarship payments. 19406

(D) The department of education and workforce shall 19407
continue to make payments to the eligible applicant under 19408
section 3317.022 of the Revised Code while either of the 19409
following are pending: 19410

(1) Administrative or judicial mediation or proceedings 19411
with respect to a subsequent individualized education program 19412
for the child referred to in division (B) of this section; 19413

(2) Administrative proceedings regarding services provided 19414
by the district under division (C) of this section. 19415

Sec. 3310.63. (A) Only for the purpose of administering 19416
the Jon Peterson special needs scholarship program, the 19417
department of education and workforce may request from any of 19418
the following entities the data verification code assigned under 19419
division (D)(2) of section 3301.0714 of the Revised Code to any 19420
qualified special education child for whom a scholarship is 19421
sought under the program: 19422

(1) The school district in which the child is entitled to attend school; 19423
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(2) If applicable, the community school in which the child is enrolled; 19425
19426

(3) The independent contractor engaged to create and maintain data verification codes. 19427
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(B) Upon a request by the department under division (A) of this section for the data verification code of a qualified special education child or a request by the eligible applicant for the child for that code, the school district or community school shall submit that code to the department or applicant in the manner specified by the department. If the child has not been assigned a code, because the child will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that child and submit the code to the department or applicant by a date specified by the department. If the district does not assign a code to the child by the specified date, the department shall assign a code to the child. 19429
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The department annually shall submit to each school district the name and data verification code of each child residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division. 19442
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(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law. 19447
19448
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(D) Any document relative to the Jon Peterson special needs scholarship program that the department holds in its files 19450
19451

that contains both a qualified special education child's name or 19452
other personally identifiable information and the child's data 19453
verification code shall not be a public record under section 19454
149.43 of the Revised Code. 19455

Sec. 3310.64. The ~~state board~~ department of education and 19456
workforce shall adopt rules in accordance with Chapter 119. of 19457
the Revised Code prescribing procedures necessary to implement 19458
sections 3310.51 to 3310.63 of the Revised Code including, but 19459
not limited to, procedures for parents to apply for 19460
scholarships, standards for registered private providers, and 19461
procedures for registration of private providers. 19462

Sec. 3310.70. (A) A student is an "eligible student" for 19463
purposes of this section if the student is at least six but no 19464
more than eighteen years old and the student's family income is 19465
at or below three hundred per cent of the federal poverty 19466
guidelines, as defined in section 5101.46 of the Revised Code. 19467

(B) (1) There is hereby established the afterschool child 19468
enrichment (ACE) educational savings account program. The 19469
department of education and workforce shall adopt rules under 19470
Chapter 119. of the Revised Code that prescribe procedures for 19471
the establishment of these accounts in fiscal years 2022 and 19472
2023 upon the request of the parent or guardian of an eligible 19473
student enrolled in a public or nonpublic school or an eligible 19474
student who has been excused from the compulsory attendance law 19475
for the purpose of home ~~instruction~~ education under section 19476
~~3321.04~~ 3321.042 of the Revised Code. Accounts shall be 19477
established on a first-come, first-served basis according to the 19478
availability of funds appropriated for purposes of this section. 19479

Accounts shall be used in accordance with division (E) of 19480
this section. Any balance remaining in a student's account after 19481

fiscal year 2023 shall remain in that account for use as 19482
prescribed in division (D) (3) of this section. 19483

(2) The department shall create an online form for parents 19484
and guardians to request the establishment of an account under 19485
this section. 19486

(C) (1) The department shall contract with a vendor for 19487
purposes of administering the provisions of this section and may 19488
contract with the treasurer of state for technical assistance. 19489
In selecting a vendor, the department shall give preference to 19490
those vendors who use a smart phone application that is free for 19491
parents or guardians to use, is capable of scanning receipts, 19492
allows users to provide program feedback, and includes customer 19493
service contact information for parents and guardians who 19494
experience technical issues with the application. For each 19495
fiscal year in which the program operates, the department shall 19496
pay the vendor not more than three per cent of the amount 19497
appropriated for that fiscal year for purposes of this section. 19498

(2) The vendor selected by the department under division 19499
(C) (2) of this section shall do both of the following: 19500

(a) Monitor how accounts are used by parents or guardians 19501
and recoup moneys that are used for purposes that are not 19502
authorized by this section as determined by the vendor; 19503

(b) Provide the department with a comprehensive list of 19504
purchases made with accounts. 19505

(3) At no time shall the vendor authorize parents or 19506
guardians to use moneys for purposes that are not authorized by 19507
this section as determined by the vendor. If the vendor 19508
authorizes parents or guardians to use moneys for a specified 19509
purpose and later determines that purpose is not authorized by 19510

this section, the vendor may recoup that money. 19511

(D) (1) If a parent or guardian makes a request under 19512
division (B) of this section during fiscal year 2022, five 19513
hundred dollars shall be credited to the account established 19514
pursuant to the parent's or guardian's request within fourteen 19515
days of the parent's or guardian's request, and that amount 19516
shall be disbursed upon request to the parent or guardian not 19517
later than June 30, 2022, for use in accordance with division 19518
(E) of this section. Any amount remaining in an account at the 19519
end of fiscal year 2022 shall remain in that account for fiscal 19520
year 2023 for use in accordance with division (E) of this 19521
section. 19522

(2) If a parent or guardian makes a request under division 19523
(B) of this section during fiscal year 2023, five hundred 19524
dollars shall be credited to the account established pursuant to 19525
the parent's or guardian's request within fourteen days of the 19526
parent's or guardian's request, and that amount shall be 19527
disbursed upon request to the parent or guardian not later than 19528
June 30, 2023, for use in accordance with division (E) of this 19529
section. If a parent or guardian had an account established for 19530
fiscal year 2022, that amount shall be credited and distributed 19531
to that account for use in accordance with division (E) of this 19532
section. 19533

(3) Any amount remaining in an account established under 19534
division (B) of this section at the end of fiscal year 2023 19535
shall remain in that account for use in accordance with division 19536
(E) of this section in future fiscal years until either the full 19537
amount has been spent or the student graduates from high school. 19538
Any amount remaining in the account of a student who graduates 19539
from high school shall be returned to the department. 19540

(E) Subject to division (F) of this section, moneys 19541
credited to an education savings account established under 19542
division (B) of this section shall be used by an eligible 19543
student's parent or guardian for any of the following purposes, 19544
whether secular or nonsecular: 19545

(1) Before- or after-school educational programs; 19546

(2) Day camps, including camps for academics, music, and 19547
arts; 19548

(3) Tuition at learning extension centers; 19549

(4) Tuition for learning pods; 19550

(5) If the student has been excused from the compulsory 19551
attendance law for the purpose of home ~~instruction~~ education 19552
under section ~~3321.04~~ 3321.042 of the Revised Code, purchase of 19553
curriculum and materials; 19554

(6) Educational, learning, or study skills services; 19555

(7) Field trips to historical landmarks, museums, science 19556
centers, and theaters, including admission, exhibit, and program 19557
fees; 19558

(8) Language classes; 19559

(9) Instrument lessons; 19560

(10) Tutoring. 19561

(F) At no time shall moneys credited to an account 19562
established under division (B) of this section be used for the 19563
purchase of electronic devices. 19564

(G) The department shall make available to parents and 19565
guardians a list of the purposes for which moneys credited to an 19566
account established under division (B) of this section may be 19567

spent in accordance with division (E) of this section. 19568

(H) Not later than December 31, 2023, the department shall 19569
prepare a report regarding the administration of this section, 19570
including feedback from a random sampling of parents and 19571
guardians who participate in the program for fiscal year 2022, 19572
fiscal year 2023, or both and submit the report to the general 19573
assembly in accordance with section 101.68 of the Revised Code. 19574

Sec. 3311.056. The elected members of an educational 19575
service center governing board may by resolution adopt a plan 19576
for adding appointed members to that governing board. A plan may 19577
provide for adding to the board a number of appointed members 19578
that is up to one less than the number of elected members on the 19579
board except that the total number of elected and appointed 19580
board members shall be an odd number. A plan shall provide for 19581
the terms of the appointed board members. The appointed board 19582
members in each plan shall be appointed by a majority vote of 19583
the full number of elected members on the board and vacancies 19584
shall be filled as provided in the plan. Each plan shall specify 19585
the qualifications for the appointed board members of an 19586
educational service center including the experience, knowledge, 19587
and skills that advance the mission and vision of the service 19588
center. Appointed members may be representative of the client 19589
school districts of the service center that are not otherwise 19590
represented on the board. As used in this section, "client 19591
school district" has the same meaning as in section 3311.0510 of 19592
the Revised Code. 19593

A governing board adopting a plan under this section shall 19594
submit the plan to the ~~state board~~ department of education and 19595
workforce for approval. The ~~state board~~ department may approve 19596
or disapprove a plan or make recommendations for modifications 19597

in a plan. A plan shall take effect thirty days after approval 19598
by the ~~state board~~ department and, when effective, appointments 19599
to the board shall be made in accordance with the plan. 19600

The elected members of the governing board of an 19601
educational service center with a plan in effect under this 19602
section may adopt, by unanimous vote of all the elected members, 19603
a resolution to revise or rescind the plan in effect under this 19604
section. All revisions shall comply with the requirements in 19605
this section for appointed board members. A resolution revising 19606
or rescinding a plan shall specify the dates and manner in which 19607
the revision or rescission is to take place. The revision or 19608
rescission of a plan shall be submitted to the ~~state board of~~ 19609
~~education~~ department for approval. The ~~state board~~ department 19610
may approve or disapprove a revision or rescission of a plan or 19611
make recommendations for modifications. Upon approval of a 19612
revision or rescission by the ~~state board~~ department, the 19613
revised plan or rescission of the plan shall go into effect as 19614
provided in the revision or rescission. 19615

Sec. 3311.08. The board of education of any local school 19616
district which contains within its territorial boundaries: 19617

(A) All the territory lying within the corporate limits of 19618
a village having a population of three thousand or more 19619
according to the last federal census; 19620

(B) All the territory lying within the corporate limits of 19621
a village having a population of two thousand or more according 19622
to the last federal census and a population outside the 19623
corporate limits of said village, as determined by a census 19624
taken by such board, sufficient to make the total population of 19625
such district three thousand or more, may, by a majority vote of 19626
the full membership of such board, declare that such district be 19627

exempt from the supervision of the governing board of the 19628
educational service center. 19629

When the board of education of a local school district 19630
notifies the governing board of the educational service center 19631
on or before the first day of May in any year, that it has 19632
adopted, by a majority vote of its full membership, a 19633
declaration that such local school district shall be exempt from 19634
the supervision of the educational service center governing 19635
board, such local school district shall be exempt from the 19636
supervision of the educational service center governing board 19637
for the school year commencing the first day of July following 19638
the date of such notification. 19639

The local school district so exempted from the supervision 19640
of the educational service center governing board shall be known 19641
as an "exempted village school district" until its status as an 19642
exempted village school district has been changed. 19643

A census taken by the board of a local school district, of 19644
territory outside the corporate limits of a village, shall be 19645
taken by persons appointed by such board. Each person so 19646
appointed shall take an oath or affirmation to take such a 19647
census accurately and shall make the return under oath to the 19648
treasurer of the board. The treasurer shall send certified 19649
copies of such census to the county auditor and to the 19650
~~superintendent of public instruction~~director of education and 19651
workforce. Such census shall be approved by the ~~superintendent-~~ 19652
director before the school district is deemed to have sufficient 19653
population to meet the requirements of an exempted village 19654
school district. 19655

Sec. 3311.16. Any local, exempted village, or city board 19656
of education, any educational service center governing board, or 19657

any combination of boards of such districts and centers, 19658
referred to in sections 3311.16, 3311.17, and 3311.18 of the 19659
Revised Code as the initiating unit, may make or contract for 19660
the making of a study pertaining to the need to establish within 19661
one county, or within an area comprised of two or more adjoining 19662
counties, a joint vocational school district, and for the 19663
preparation of a plan for the establishment and operation of a 19664
joint vocational school district covering the territory of two 19665
or more school districts within such county or counties. Any 19666
local, exempted village, or city school district in the county 19667
or counties may participate with the initiating unit in the cost 19668
of such study and plan. Such plan shall be submitted to the 19669
~~state board~~ department of education and workforce by the 19670
initiating unit. 19671

Sec. 3311.17. On approval of the plan by the ~~state board~~ 19672
department of education and workforce, the initiating unit shall 19673
file a copy of such plan with the board of education of each 19674
district whose territory is proposed to be included in the 19675
proposed joint vocational school district. Within thirty days 19676
after receiving such copy, such board of education shall 19677
determine whether its district shall become a part of the 19678
proposed joint vocational school district. If one or more boards 19679
of education decide not to become a part of such proposed 19680
district, a revised plan shall be prepared by the initiating 19681
unit, and if such revised plan is approved by the ~~state board of~~ 19682
~~education~~ department, such initiating unit shall file the revised 19683
plan with the board of education of each district whose 19684
territory is proposed to be included in the proposed joint 19685
vocational school district. Within thirty days thereafter, each 19686
such district shall determine whether its district shall become 19687
a part of the proposed joint vocational school district. 19688

Sec. 3311.19. (A) The management and control of a joint vocational school district shall be vested in the joint vocational school district board of education which, beginning on September 29, 2013, shall be appointed under division (C) of this section.

All members of a joint vocational school district board serving unexpired terms on September 29, 2013, may continue in office until the expiration of their terms. If a member leaves office for any reason prior to the expiration of that member's term, the vacancy shall be filled only in the manner provided in division (C) of this section.

(B) Except as provided in section 3311.191 of the Revised Code, members of the joint vocational school district board appointed on or after September 29, 2013, shall serve for three-year terms of office.

(C) The manner of appointment and the total number of members appointed to the joint vocational school district board shall be in accordance with the most recent plan for the joint vocational school district on file with the department of education and workforce.

(1) Appointments under this section shall be made as the terms of members of each joint vocational school district board who are serving unexpired terms on September 29, 2013, expire or as those offices are otherwise vacated prior to the expiration date.

(2) Members of the joint vocational board shall be appointed by the member school district boards of education. Members of a joint vocational school district board may either be a current elected board member of a school district board

that is a member of the joint vocational school district or an 19718
individual who has experience or knowledge regarding the labor 19719
needs of the state and region with an understanding of the 19720
skills, training, and education needed for current and future 19721
employment opportunities in the state. The appointing board may 19722
give preference to individuals who have served as members on a 19723
joint vocational school business advisory committee. 19724

(D) The vocational schools in the joint vocational school 19725
district shall be available to all youth of school age within 19726
the joint vocational school district subject to the rules 19727
adopted by the joint vocational school district board of 19728
education in regard to the standards requisite to admission. A 19729
joint vocational school district board of education shall have 19730
the same powers, duties, and authority for the management and 19731
operation of such joint vocational school district as is granted 19732
by law, except by this chapter and Chapters 124., 3317., 3323., 19733
and 3331. of the Revised Code, to a board of education of a city 19734
school district, and shall be subject to all the provisions of 19735
law that apply to a city school district, except such provisions 19736
in this chapter and Chapters 124., 3317., 3323., and 3331. of 19737
the Revised Code. 19738

(E) The superintendent of schools of a joint vocational 19739
school district shall exercise the duties and authority vested 19740
by law in a superintendent of schools pertaining to the 19741
operation of a school district and the employment and 19742
supervision of its personnel. The joint vocational school 19743
district board of education shall appoint a treasurer of the 19744
joint vocational school district who shall be the fiscal officer 19745
for such district and who shall have all the powers, duties, and 19746
authority vested by law in a treasurer of a board of education. 19747

(F) Each member of a joint vocational school district board of education may be paid such compensation as the board provides by resolution, but it shall not exceed one hundred twenty-five dollars per member for each meeting attended plus mileage, at the rate per mile provided by resolution of the board, to and from meetings of the board.

The board may provide by resolution for the deduction of amounts payable for benefits under section 3313.202 of the Revised Code.

Each member of a joint vocational school district board may be paid such compensation as the board provides by resolution for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars per day for attendance at a training program three hours or fewer in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length. However, no board member shall be compensated for the same training program under this section and section 3313.12 of the Revised Code.

Sec. 3311.191. (A) (1) Subject to division (A) (2) of this section, if a joint vocational school district has an even number of member districts each appointing a member to the joint vocational school district board of education and the joint vocational school district's plan on file with the department of education and workforce provides for one additional board member to be appointed on a rotating basis by one of the appointing boards, the term of that additional member shall be for one year. The additional member shall otherwise meet the requirements for joint vocational school board members prescribed by section 3311.19 of the Revised Code.

(2) If an additional member of a joint vocational school district board appointed on a rotating basis, as described in division (A)(1) of this section, was appointed on or after September 29, 2013, but prior to September 29, 2015, that member may continue in office until the expiration of the member's current term of office. If such member vacates that office for any reason prior to the expiration of that member's term, a new additional member shall be appointed according to the rotational basis prescribed by the district's plan, and that member shall serve for the remainder of the vacating member's term. Thereafter, the term of office of the additional member shall be as prescribed by division (A)(1) of this section.

(B) A joint vocational school district board of education may submit an application to the ~~superintendent of public instruction department~~ for approval to revise its membership plan to stagger the members' terms of office. Each board may do so only one time. The application shall include the revisions proposed to be made to members' terms, the manner by which the terms shall be staggered, and any other information the ~~state superintendent department~~ requires.

Sec. 3311.213. (A) With the approval of the board of education of a joint vocational school district that is in existence, any school district in the county or counties comprising the joint vocational school district or any school district in a county adjacent to a county comprising part of a joint vocational school district may become a part of the joint vocational school district. On the adoption of a resolution of approval by the board of education of the joint vocational school district, it shall advertise a copy of such resolution in a newspaper of general circulation in the school district proposing to become a part of such joint vocational school

district once each week for two weeks, or as provided in section 19809
7.16 of the Revised Code, immediately following the date of the 19810
adoption of such resolution. Such resolution shall not become 19811
effective until the later of the sixty-first day after its 19812
adoption or until the board of elections certifies the results 19813
of an election in favor of joining of the school district to the 19814
joint vocational school district if such an election is held 19815
under division (B) of this section. 19816

(B) During the sixty-day period following the date of the 19817
adoption of a resolution to join a school district to a joint 19818
vocational school district under division (A) of this section, 19819
the electors of the school district that proposes joining the 19820
joint vocational school district may petition for a referendum 19821
vote on the resolution. The question whether to approve or 19822
disapprove the resolution shall be submitted to the electors of 19823
such school district if a number of qualified electors equal to 19824
twenty per cent of the number of electors in the school district 19825
who voted for the office of governor at the most recent general 19826
election for that office sign a petition asking that the 19827
question of whether the resolution shall be disapproved be 19828
submitted to the electors. The petition shall be filed with the 19829
board of elections of the county in which the school district is 19830
located. If the school district is located in more than one 19831
county, the petition shall be filed with the board of elections 19832
of the county in which the majority of the territory of the 19833
school district is located. The board shall certify the validity 19834
and sufficiency of the signatures on the petition. 19835

The board of elections shall immediately notify the board 19836
of education of the joint vocational school district and the 19837
board of education of the school district that proposes joining 19838
the joint vocational school district that the petition has been 19839

filed. 19840

The effect of the resolution shall be stayed until the 19841
board of elections certifies the validity and sufficiency of the 19842
signatures on the petition. If the board of elections determines 19843
that the petition does not contain a sufficient number of valid 19844
signatures and sixty days have passed since the adoption of the 19845
resolution, the resolution shall become effective. 19846

If the board of elections certifies that the petition 19847
contains a sufficient number of valid signatures, the board 19848
shall submit the question to the qualified electors of the 19849
school district on the day of the next general or primary 19850
election held at least ninety days after but no later than six 19851
months after the board of elections certifies the validity and 19852
sufficiency of signatures on the petition. If there is no 19853
general or primary election held at least ninety days after but 19854
no later than six months after the board of elections certifies 19855
the validity and sufficiency of signatures on the petition, the 19856
board shall submit the question to the electors at a special 19857
election to be held on the next day specified for special 19858
elections in division (D) of section 3501.01 of the Revised Code 19859
that occurs at least ninety days after the board certifies the 19860
validity and sufficiency of signatures on the petition. The 19861
election shall be conducted and canvassed and the results shall 19862
be certified in the same manner as in regular elections for the 19863
election of members of a board of education. 19864

If a majority of the electors voting on the question 19865
disapprove the resolution, the resolution shall not become 19866
effective. 19867

(C) If the resolution becomes effective, the board of 19868
education of the joint vocational school district shall notify 19869

the county auditor of the county in which the school district 19870
becoming a part of the joint vocational school district is 19871
located, who shall thereupon have any outstanding levy for 19872
building purposes, bond retirement, or current expenses in force 19873
in the joint vocational school district spread over the 19874
territory of the school district becoming a part of the joint 19875
vocational school district. On the addition of a city or 19876
exempted village school district or an educational service 19877
center to the joint vocational school district, pursuant to this 19878
section, the board of education of such joint vocational school 19879
district shall submit to the ~~state board~~ department of education 19880
and workforce a proposal to enlarge the membership of such board 19881
by the addition of one or more persons at least one of whom 19882
shall be a member of the board of education or governing board 19883
of such additional school district or educational service 19884
center, and the term of each such additional member. On the 19885
addition of a local school district to the joint vocational 19886
school district, pursuant to this section, the board of 19887
education of such joint vocational school district may submit to 19888
the ~~state board of education~~ department a proposal to enlarge 19889
the membership of such board by the addition of one or more 19890
persons who are members of the educational service center 19891
governing board of such additional local school district. On 19892
approval by the ~~state board of education~~ department additional 19893
members shall be added to such joint vocational school district 19894
board of education. 19895

Sec. 3311.214. (A) With the approval of the ~~state board~~ 19896
department of education and workforce, the boards of education 19897
of any two or more joint vocational school districts may, by the 19898
adoption of identical resolutions by a majority of the members 19899
of each such board, propose that one new joint vocational school 19900

district be created by adding together all of the territory of 19901
each of the districts and dissolving such districts. A copy of 19902
each resolution shall be filed with the ~~state board of education~~
department for its approval or disapproval. The resolutions 19903
shall include a provision that the board of education of the new 19904
district shall be composed of the members from the same boards 19905
of education that composed the membership of the board of each 19906
of the districts to be dissolved, except that, if an even number 19907
of districts are to be dissolved, one additional member shall be 19908
added, who may be from any school district included in the 19909
territory of any of the districts to be dissolved as designated 19910
in the resolutions. The members of the new board shall have the 19911
same terms of office as they had under the respective plans of 19912
the districts adopting the resolutions, except that, if the new 19913
board has an additional member, the additional member shall have 19914
a term as specified in the resolutions. 19915
19916

If the ~~state board~~ department approves the resolutions, 19917
the board of education of each district to be dissolved shall 19918
advertise a copy of the resolution in a newspaper of general 19919
circulation in its district once each week for two weeks, or as 19920
provided in section 7.16 of the Revised Code, immediately 19921
following the date the resolutions are approved by the ~~state~~
~~board~~ department. The resolutions shall become effective on the 19922
first day of July next succeeding the sixtieth day following 19923
approval by the ~~state board~~ department unless prior to the 19924
expiration of such sixty-day period, qualified electors residing 19925
in one of the districts to be dissolved equal in number to a 19926
majority of the qualified electors of that district voting at 19927
the last general election file with the ~~state board~~ department a 19928
petition of remonstrance against creation of the proposed new 19929
district. 19930
19931

(B) When a resolution becomes effective under division (A) 19932
of this section, each district in which a resolution was adopted 19933
and the board of each such district are dissolved. The territory 19934
of each dissolved district becomes a part of the new joint 19935
vocational school district. The net indebtedness of each 19936
dissolved district shall be assumed in full by the new district 19937
and the funds and property of each dissolved district shall 19938
become in full the funds and property of the new district. All 19939
existing contracts of each dissolved board shall be honored by 19940
the board of the new district until their expiration dates. The 19941
board of the new district shall notify the county auditor of 19942
each county in which each dissolved district was located that a 19943
resolution has become effective and a new district has been 19944
created and shall certify to each auditor any changes that might 19945
be required in the tax rate as a result of the creation of the 19946
new district. 19947

(C) As used in this section, "net indebtedness" means the 19948
difference between the par value of the outstanding and unpaid 19949
bonds and notes of the school district and the amount held in 19950
the sinking fund and other indebtedness retirement funds for 19951
their redemption. 19952

Sec. 3311.217. Upon approval by a majority of the full 19953
membership of the board of education of a joint vocational 19954
school district, or upon the receipt of resolutions formally 19955
adopted by a majority of the boards of education of the school 19956
districts participating in the joint vocational school district, 19957
the board of education of the joint vocational school district 19958
shall adopt and send to the ~~state board~~ department of education, 19959
and workforce a resolution requesting the dissolution of the 19960
joint vocational school district. Such resolution shall state 19961
the reasons for the proposed dissolution of the joint vocational 19962

school district, shall set forth a plan for the equitable 19963
adjustment, division, and disposition of the assets, property, 19964
debts, and obligations of the joint vocational school district, 19965
and shall provide that the tax duplicate of each participating 19966
school district shall be bound for and assume its share of the 19967
outstanding indebtedness of the joint vocational school 19968
district. Upon approval of the resolution by the ~~state board of~~ 19969
~~education department~~, the joint vocational school district shall 19970
be dissolved in accordance with the provisions of the 19971
resolution. 19972

Sec. 3311.218. The board of education of a joint 19973
vocational school district may enter into a written agreement 19974
with the board of trustees of any technical college district, 19975
the boundaries of which are coterminous with such joint 19976
vocational ~~school~~ school district, which agreement may provide 19977
for the sharing of use of any physical facility or equipment 19978
owned or used by either district. Such agreement may further 19979
provide that the joint vocational school district may contribute 19980
a portion of its funds for current operating expenses, 19981
regardless of whether such funds are derived from a tax levy or 19982
otherwise, to the technical college district to be expended by 19983
the technical college district for any lawful purpose. The 19984
agreement shall require the approval by resolution of both 19985
boards and shall be executed by the president and treasurer of 19986
both boards. A copy of such agreement shall be filed with the 19987
~~board of regents~~ chancellor of higher education and a copy shall 19988
be filed with the ~~state board~~ department of education and 19989
workforce. 19990

Sec. 3311.521. (A) The boards of education of any two or 19991
more contiguous city, exempted village, or local school 19992
districts may establish a cooperative education school district 19993

in accordance with this section for the purpose of operating a joint high school in lieu of each of such boards operating any high school. Such a cooperative education school district shall only be established pursuant to the adoption of identical resolutions in accordance with this section within a sixty-day period by a majority of the members of the board of education of all such boards. Upon the adoption of all such resolutions, a copy of each resolution shall be filed with the ~~state board~~ department of education and workforce.

The territory of any cooperative education school district established pursuant to this section shall consist of the territory of all of the school districts whose boards of education adopt identical resolutions under this section.

(B) Any resolutions adopted under division (A) of this section shall include all of the following:

(1) Provision for the date on which the cooperative district will be created, which date shall be the first day of July in the year specified in the resolution;

(2) Provision for the composition, selection, and terms of office of the board of education of the cooperative district, which provision shall include but not necessarily be limited to both of the following:

(a) A requirement that the board include at least two members selected from or by the members of the board of education of each city, local, and exempted village school district within the territory of the cooperative district;

(b) Specification of the date by which the initial members of the board must be selected, which date shall be the same as the date specified pursuant to division (B) (1) of this section.

(3) Provision for the selection of a superintendent and treasurer of the cooperative school district, which provision shall require one of the following: 20023
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(a) The selection of one person as both the superintendent and treasurer of the cooperative district, which provision may require such person to be the superintendent or treasurer of any city, local, or exempted village school district within the territory of the cooperative district; 20026
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(b) The selection of one person as the superintendent and another person as the treasurer of the cooperative district, which provision may require either one or both such persons to be superintendents or treasurers of any city, local, or exempted village school district within the territory of the cooperative district. 20031
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(4) A statement of the high school education program the board of education of the cooperative education school district will conduct in lieu of any high school education program being operated by the boards of education of the city, local, and exempted village school districts within the territory of the cooperative district, which statement shall include but not necessarily be limited to the high school grade levels to be operated in the program, the timetable for commencing operation of the program, and the facilities proposed to be used or constructed to be used by the program; 20037
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(5) A statement that the boards of education of the city, local, and exempted village school districts within the territory of the cooperative district will not operate any high school education program for the grade levels operated by the cooperative district; 20047
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(6) A statement of how special education and related services will be provided in accordance with Chapter 3323. of the Revised Code to the children with disabilities who are identified by each city, exempted village, or local school district with territory in the cooperative district and who are in the grade levels to be operated by the cooperative district;

(7) A statement of how transportation of students to and from school will be provided in the cooperative district, which statement shall include but not be necessarily limited to both of the following:

(a) How special education students will be transported as required by their individualized education program adopted pursuant to section 3323.08 of the Revised Code;

(b) Whether transportation to and from school will be provided to any other students of the cooperative district and, if so, the manner in which this transportation will be provided.

(8) A statement of the annual amount, or the method for determining the annual amount, of funds or services or facilities that each city, local, and exempted village school district is required to pay to or provide for the use of the board of education of the cooperative education school district;

(9) Provision for adopting amendments to the provisions adopted pursuant to divisions (B) (3) to (8) of this section, which provision shall require that any such amendments comply with divisions (B) (3) to (8) of this section.

(C) Upon the adoption of identical resolutions in accordance with this section, the cooperative education school district and board of education of that district specified in and selected in accordance with such resolutions shall be

established on the date specified in the resolutions. Upon the 20081
establishment of the district and board, the board of the 20082
cooperative district shall give written notice of the creation 20083
of the district to the county auditor and the board of elections 20084
of each county having any territory in the new district. 20085

Sec. 3311.53. (A) (1) The board of education of any city, 20086
local, or exempted village school district that wishes to become 20087
part of a cooperative education school district established 20088
pursuant to divisions (A) to (C) of section 3311.52 of the 20089
Revised Code may adopt a resolution proposing to become a part 20090
of the cooperative education school district. 20091

(2) The board of education of any city, local, or exempted 20092
village school district that is contiguous to a cooperative 20093
education school district established pursuant to section 20094
3311.521 of the Revised Code and that wishes to become part of 20095
that cooperative district may adopt a resolution proposing to 20096
become part of that cooperative district. 20097

(B) If, after the adoption of a resolution in accordance 20098
with division (A) of this section, the board of education of the 20099
cooperative education school district named in that resolution 20100
also adopts a resolution accepting the new district, the board 20101
of the district wishing to become part of the cooperative 20102
district shall advertise a copy of the cooperative district 20103
board's resolution in a newspaper of general circulation in the 20104
school district proposing to become a part of the cooperative 20105
education school district once each week for two weeks, or as 20106
provided in section 7.16 of the Revised Code, immediately 20107
following the date of the adoption of the resolution. The 20108
resolution shall become legally effective on the sixtieth day 20109
after its adoption, unless prior to the expiration of that 20110

sixty-day period qualified electors residing in the school 20111
district proposed to become a part of the cooperative education 20112
school district equal in number to a majority of the qualified 20113
electors voting at the last general election file with the board 20114
of education a petition of remonstrance against the transfer. If 20115
the resolution becomes legally effective, both of the following 20116
shall apply: 20117

(1) The resolution that established the cooperative 20118
education school district pursuant to divisions (A) to (C) of 20119
section 3311.52 or section 3311.521 of the Revised Code shall be 20120
amended to reflect the addition of the new district to the 20121
cooperative district. 20122

(2) The board of education of the cooperative education 20123
school district shall give written notice of this fact to the 20124
county auditor and the board of elections of each county in 20125
which the school district becoming a part of the cooperative 20126
education school district has territory. Any such county auditor 20127
shall thereupon have any outstanding levy for building purposes, 20128
bond retirement, or current expenses in force in the cooperative 20129
education school district spread over the territory of the 20130
school district becoming a part of the cooperative education 20131
school district. 20132

(C) If the board of education of the cooperative education 20133
school district is not the governing board of an educational 20134
service center, the board of education of the cooperative 20135
education school district shall, on the addition of a city, 20136
local, or exempted village school district to the district 20137
pursuant to this section, submit to the ~~state board~~ department 20138
of education and workforce a proposal to enlarge the membership 20139
of the board. In the case of a cooperative district established 20140

pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code, the proposal shall add one or more persons to the district's board, at least one of whom shall be a member of or selected by the board of education of the additional school district, and shall specify the term of each such additional member. In the case of a cooperative district established pursuant to section 3311.521 of the Revised Code, the proposal shall add two or more persons to the district's board, at least two of whom shall be a member of or selected by the board of education of the additional school district, and shall specify the term of each such additional member. On approval by the ~~state board of education department~~, the additional members shall be added to the cooperative education school district board of education.

Sec. 3311.60. This section applies to any school district that has an average daily membership, as reported under division (A) of section 3317.03 of the Revised Code, greater than sixty thousand and of which the majority of the district's territory is located in a city with a population greater than seven hundred thousand according to the most recent federal decennial census.

(A) Subject to approval by the electors under section 3311.61 of the Revised Code, the board of education of a school district to which this section applies shall create the position of independent auditor to be responsible for all internal auditing functions of the district. The independent auditor shall be selected by the selection committee prescribed by division (B) of this section. Upon selection of the independent auditor, the district board shall execute a written contract of employment with the independent auditor. The district board shall appropriate funds to support the operations and functions

of the independent auditor and shall grant the independent 20172
auditor access to all district personnel, equipment, and records 20173
necessary to perform the duties prescribed by divisions (C) and 20174
(D) of this section. The term of office for the independent 20175
auditor shall be for five years and may be renewed for 20176
additional terms by the selection committee. 20177

(B) (1) The independent auditor selection committee shall 20178
consist of the mayor, council president, and auditor of the city 20179
in which a majority of the territory of the district is located; 20180
the president of the school district board of education; and the 20181
probate court judge of the county in which a majority of the 20182
territory of the district is located. Members of the selection 20183
committee shall serve without compensation. 20184

(2) The selection committee shall do the following: 20185

(a) Establish qualifications for the position of 20186
independent auditor; 20187

(b) Select, by majority vote, an individual to serve as 20188
the independent auditor; 20189

(c) Recommend to the district board of education the 20190
compensation for the position of independent auditor and the 20191
necessary additional funds to finance operations and functions 20192
of the independent auditor; 20193

(d) Reappoint the independent auditor for an additional 20194
term, by a majority vote of the selection committee members; 20195

(e) Appoint a successor, if the current independent 20196
auditor is not reappointed, by a majority vote of the committee 20197
members; 20198

(f) In the event of a vacancy in the office of independent 20199

auditor, appoint a successor to the balance of the unexpired term, by a majority vote of the selection committee members; 20200
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(g) Remove the independent auditor from office, by a two-thirds vote of the selection committee members. 20202
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(C) The independent auditor shall do the following: 20204

(1) Recommend to the district board of education the employment of personnel necessary to carry out the activities of the independent auditor; 20205
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(2) Prescribe duties and qualifications for staff of the independent auditor; 20208
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(3) Serve as the district's public records officer and oversee the maintenance and availability of the school district's public documents; 20210
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(4) Prior to certification by the school district superintendent, review reports and data that must be submitted to the department of education ~~and the state board of education~~ and workforce; 20213
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(5) Receive any complaints of alleged wrongful or illegal acts regarding the district's operations, finances, and data reported under the education management information system prescribed under section 3301.0714 of the Revised Code and supervise the internal investigation of those complaints. At the independent auditor's discretion, the independent auditor may initiate investigations. 20217
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(6) Report the results of investigations of such wrongful or illegal acts, whether criminal in nature or otherwise, to the appropriate authorities or agencies, including the school district board of education, the city attorney of the city in 20224
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which a majority of the territory of the district is located, 20228
the prosecuting attorney of the county in which a majority of 20229
the territory of the district is located, the auditor of state, 20230
the department of education and workforce, and the Ohio ethics 20231
commission; 20232

(7) Propose to the selection committee a budget to support 20233
the independent auditor's operations and functions; 20234

(8) Audit funds a partnering community school receives 20235
from the district's partnering community schools fund 20236
established under section 5705.21 of the Revised Code; 20237

(9) Submit, not later than the first day of September of 20238
each year, a report on the activities of the independent auditor 20239
to the selection committee, the board of education of the school 20240
district, and the general assembly in accordance with section 20241
101.68 of the Revised Code. The report required under division 20242
~~(C) (8)~~ (C) (9) of this section is a public record under section 20243
149.43 of the Revised Code. 20244

If sufficient funds are available, the independent auditor 20245
may obtain the services of certified public accountants, 20246
qualified management consultants, or other professional experts 20247
necessary to perform the duties prescribed under divisions (C) 20248
and (D) of this section. 20249

(D) In cooperation with the school district board of 20250
education and in coordination with the auditor of state, the 20251
independent auditor may conduct or initiate financial and 20252
performance audits and analyses of the school district to ensure 20253
the following: 20254

(1) School district activities and programs comply with 20255
all applicable laws and district policies, procedures, and 20256

appropriations;	20257
(2) Student performance and enrollment data are accurately and clearly reported;	20258 20259
(3) Ballot requests to levy a tax are based on accurate analysis and the needs of the district;	20260 20261
(4) Individual contracts of the district are consistent with the policies, procedures, budgets, and financial plans adopted by the district board;	20262 20263 20264
(5) Incentive-based distributions and plans are consistent with the objectives adopted by the district board;	20265 20266
(6) District operations are executed in a cost-effective and efficient manner consistent with the objectives of and appropriations made by the district board;	20267 20268 20269
(7) Accuracy of district financial statements and reports;	20270
(8) Recommendations for improvement that have been adopted by the district board are implemented;	20271 20272
(9) Operating units or departments have necessary and appropriate operating and administrative policies, procedures, internal controls, and data quality protocols;	20273 20274 20275
(10) Proper evaluation of district programs and activities, including a full accounting of all funds.	20276 20277
Sec. 3311.71. (A) As used in this section and in sections 3311.72 to 3311.87 of the Revised Code:	20278 20279
(1) "Municipal school district" means a school district that is or has ever been under a federal court order requiring supervision and operational, fiscal, and personnel management of the district by the state -superintendent of public instruction_	20280 20281 20282 20283

prior to the effective date of this amendment or by the director 20284
of education and workforce on and after the effective date of 20285
this amendment. 20286

(2) "Mayor" means the mayor of the municipal corporation 20287
containing the greatest portion of a municipal school district's 20288
territory. 20289

(B) Whenever any municipal school district is released by 20290
a federal court from an order requiring supervision and 20291
operational, fiscal, and personnel management of the district by 20292
the state superintendent or director of education and workforce, 20293
the management and control of that district shall be assumed, 20294
effective immediately, by a new nine-member board of education. 20295
Members of the new board shall be appointed by the mayor, who 20296
shall also designate one member as the chairperson of the board. 20297
In addition to the rights, authority, and duties conferred upon 20298
the chairperson by sections 3311.71 to 3311.87 of the Revised 20299
Code, the chairperson shall have all the rights, authority, and 20300
duties conferred upon the president of a board of education by 20301
the Revised Code that are not inconsistent with sections 3311.71 20302
to 3311.87 of the Revised Code. 20303

(C) No school board member shall be appointed by the mayor 20304
pursuant to division (B) of this section until the mayor has 20305
received a slate of at least eighteen candidates nominated by a 20306
municipal school district nominating panel, at least three of 20307
whom reside in the municipal school district but not in the 20308
municipal corporation containing the greatest portion of the 20309
district's territory. The municipal school district nominating 20310
panel shall be initially convened and chaired by the state 20311
superintendent ~~of public instruction~~ or director, who shall 20312
serve as a nonvoting member for the first two years of the 20313

panel's existence, and shall consist of eleven persons selected 20314
as follows: 20315

(1) Three parents or guardians of children attending the 20316
schools of the municipal school district appointed by the 20317
district parent-teacher association, or similar organization 20318
selected by the state superintendent or director; 20319

(2) Three persons appointed by the mayor; 20320

(3) One person appointed by the president of the 20321
legislative body of the municipal corporation containing the 20322
greatest portion of the municipal school district's territory; 20323

(4) One teacher appointed by the collective bargaining 20324
representative of the school district's teachers; 20325

(5) One principal appointed through a vote of the school 20326
district's principals, which vote shall be conducted by the 20327
state superintendent or director; 20328

(6) One representative of the business community appointed 20329
by an organized collective business entity selected by the 20330
mayor; 20331

(7) One president of a public or private institution of 20332
higher education located within the municipal school district 20333
appointed by the state superintendent ~~of public instruction~~ or 20334
director. 20335

The municipal school district nominating panel shall 20336
select one of its members as its chairperson commencing two 20337
years after the date of the first meeting of the panel, at which 20338
time the state superintendent ~~of public instruction~~ or director 20339
shall no longer convene or chair the panel. Thereafter, the 20340
panel shall meet as necessary to make nominations at the call of 20341

the chairperson. All members of the panel shall serve at the pleasure of the appointing authority. Vacancies on the panel shall be filled in the same manner as the initial appointments.

(D) No individual shall be appointed by the mayor pursuant to division (B) or (F) of this section unless the individual has been nominated by the nominating panel, resides in the school district, and holds no elected public office. At any given time, four of the nine members appointed by the mayor to serve on the board pursuant to either division (B) or (F) of this section shall have displayed, prior to appointment, significant expertise in either the education field, finance, or business management. At all times at least one member of the board shall be an individual who resides in the municipal school district but not in the municipal corporation containing the greatest portion of the district's territory.

(E) The terms of office of all members appointed by the mayor pursuant to division (B) of this section shall expire on the next thirtieth day of June following the referendum election required by section 3311.73 of the Revised Code. The mayor may, with the advice and consent of the nominating panel, remove any member appointed pursuant to that division or division (F) of this section for cause.

(F) If the voters of the district approve the continuation of an appointed board at the referendum election required by section 3311.73 of the Revised Code, the mayor shall appoint the members of a new board from a slate prepared by the nominating panel in the same manner as the initial board was appointed pursuant to divisions (B), (C), and (D) of this section. Five of the members of the new board shall be appointed to four-year terms and the other four shall be appointed to two-year terms,

each term beginning on the first day of July. Thereafter, the
mayor shall appoint members to four-year terms in the same
manner as described in divisions (B), (C), and (D) of this
section. The minimum number of individuals who shall be on the
slate prepared by the nominating panel for this purpose shall be
at least twice the number of members to be appointed, including
at least two who reside in the municipal school district but not
in the municipal corporation containing the greatest portion of
the district's territory.

(G) In addition to the nine members appointed by the
mayor, the boards appointed pursuant to divisions (B) and (F) of
this section shall include the following nonvoting ex officio
members:

(1) If the main campus of a state university specified in
section 3345.011 of the Revised Code is located within the
municipal school district, the president of the university or
the president's designee;

(2) If any community college has its main branch located
within the district, the president of the community college that
has the largest main branch within the district, or the
president's designee.

Sec. 3311.74. (A) The board of education of a municipal
school district, in consultation with the department of
education and workforce, shall set goals for the district's
educational, financial, and management progress and establish
accountability standards with which to measure the district's
progress.

(B) (1) The chief executive officer of a municipal school
district shall develop, implement, and regularly update a plan

to measure student academic performance at each school within 20401
the district. The plan developed by the chief executive officer 20402
shall include a component that requires the parents or guardians 20403
of students who attend the district's schools to attend, prior 20404
to the fifteenth day of December each year, at least one parent- 20405
teacher conference or similar event held by the school the 20406
student attends to provide an opportunity for the parents and 20407
guardians to meet the student's teachers, discuss expectations 20408
for the student, discuss the student's performance, and foster 20409
communication between home and school. 20410

(2) Where measurements demonstrate that students in 20411
particular schools are not achieving, or are not improving their 20412
achievement levels at an acceptable rate, the plan shall contain 20413
provisions requiring the chief executive officer, with the 20414
concurrence of the board, to take corrective action within those 20415
schools, including, but not limited to, reallocation of academic 20416
and financial resources, reassignment of staff, redesign of 20417
academic programs, adjusting the length of the school year or 20418
school day, and deploying additional assistance to students. 20419

(3) Prior to taking corrective action pursuant to the 20420
plan, the chief executive officer shall first identify which 20421
schools are in need of corrective action, what corrective action 20422
is warranted at each school, and when the corrective action 20423
should be implemented. Collectively, these items shall be known 20424
as the "corrective plan." The corrective plan is not intended to 20425
be used as a cost savings measure; rather, it is intended to 20426
improve student performance at targeted schools. 20427

Immediately after developing the corrective plan, the 20428
chief executive officer and the presiding officer of each labor 20429
organization whose members will be affected by the corrective 20430

plan shall each appoint up to four individuals to form one or more corrective action teams. The corrective action teams, within the timelines set by the chief executive officer for implementation of the corrective plan, shall collaborate with the chief executive officer and, where there are overlapping or mutual concerns, with other corrective action teams to make recommendations to the chief executive officer on implementation of the corrective plan.

If the chief executive officer disagrees with all or part of the recommendations of a corrective action team, or if a corrective action team fails to make timely recommendations on the implementation of all or part of the corrective plan, the chief executive officer may implement the corrective plan in the manner in which the chief executive officer determines to be in the best interest of the students, consistent with the timelines originally established.

The chief executive officer and any corrective action team are not bound by the applicable provisions of collective bargaining agreements in developing recommendations for and implementing the corrective plan.

(4) Notwithstanding anything to the contrary in Chapter 4117. of the Revised Code, the content and implementation of the corrective plan prevail over any conflicting provision of a collective bargaining agreement entered into on or after ~~the effective date of this amendment~~ October 1, 2012.

(C) Annually the chief executive officer shall issue a report to residents of the district that includes results of achievement measurements made under division (B)(1) of this section and delineates the nature of any reforms and corrective actions being taken in response to any failure to achieve at an

acceptable level or rate. The report shall also contain 20461
descriptions of efforts undertaken to improve the overall 20462
quality or efficiency of operation of the district, shall list 20463
the source of all district revenues, and shall contain a 20464
description of all district expenditures during the preceding 20465
fiscal year. 20466

(D) The chief executive officer shall implement a public 20467
awareness campaign to keep the parents and guardians of the 20468
district's students informed of the changes being implemented 20469
within the district. The campaign may include such methods as 20470
community forums, letters, and brochures. It shall include 20471
annual distribution to all parents and guardians of an 20472
information card specifying the names and business addresses and 20473
telephone numbers of the ombudspersons appointed under section 20474
3311.72 of the Revised Code and other employees of the district 20475
board of education who may serve as information resources for 20476
parents and guardians. 20477

Sec. 3311.741. (A) This section applies only to a 20478
municipal school district in existence on July 1, 2012. 20479

(B) Not later than December 1, 2012, the board of 20480
education of each municipal school district to which this 20481
section applies shall submit to the ~~superintendent of public~~ 20482
~~instruction~~ director of education and workforce an array of 20483
measures to be used in evaluating the performance of the 20484
district. The measures shall assess at least overall student 20485
achievement, student progress over time, the achievement and 20486
progress over time of each of the applicable categories of 20487
students described in division (G) of section 3302.03 of the 20488
Revised Code, and college and career readiness. The ~~state~~ 20489
~~superintendent~~ director shall approve or disapprove the measures 20490

by January 15, 2013. If the measures are disapproved, the ~~state-~~ 20491
~~superintendent-director~~ shall recommend modifications that will 20492
make the measures acceptable. 20493

(C) Beginning with the 2012-2013 school year, the board 20494
annually shall establish goals for improvement on each of the 20495
measures approved under division (B) of this section. The school 20496
district's performance data for the 2011-2012 school year shall 20497
be used as a baseline for determining improvement. 20498

(D) Not later than October 1, 2013, and by the first day 20499
of October each year thereafter, the board shall issue a report 20500
describing the school district's performance for the previous 20501
school year on each of the measures approved under division (B) 20502
of this section and whether the district has met each of the 20503
improvement goals established for that year under division (C) 20504
of this section. The board shall provide the report to the 20505
governor, the ~~superintendent of public instruction~~director of 20506
education and workforce, and, in accordance with section 101.68 20507
of the Revised Code, the general assembly. 20508

Sec. 3311.76. (A) Notwithstanding Chapters 3302. and 3317. 20509
of the Revised Code, upon written request of the district chief 20510
executive officer, the ~~state superintendent of public-~~ 20511
~~instruction~~director of education and workforce may exempt a 20512
municipal school district from any rules adopted under Title 20513
XXXIII of the Revised Code except for any rule adopted under 20514
Chapter 3307. or 3309., sections 3319.07 to 3319.21, or Chapter 20515
3323. of the Revised Code, and may authorize a municipal school 20516
district to apply funds allocated to the district under Chapter 20517
3317. of the Revised Code, except those specifically allocated 20518
to purposes other than current expenses, to the payment of debt 20519
charges on the district's public obligations. The request must 20520

specify the provisions from which the district is seeking 20521
exemption or the application of funds requested and the reasons 20522
for the request. The ~~state superintendent~~ director shall approve 20523
the request if the ~~superintendent~~ director finds the requested 20524
exemption or application of funds is in the best interest of the 20525
district's students. The ~~superintendent~~ director shall approve 20526
or disapprove the request within thirty days and shall notify 20527
the district board and the district chief executive officer of 20528
approval or reasons for disapproving the request. 20529

(B) The board of education of a municipal school district 20530
may apply for an exemption from specific statutory provisions or 20531
rules under section 3302.07 of the Revised Code. 20532

(C) In addition to the rights, authority, and duties 20533
conferred upon a municipal school district and its board of 20534
education in sections 3311.71 to 3311.87 of the Revised Code, a 20535
municipal school district and its board shall have all of the 20536
rights, authority, and duties conferred upon a city school 20537
district and its board by law that are not inconsistent with 20538
sections 3311.71 to 3311.87 of the Revised Code. 20539

Sec. 3311.86. (A) As used in this section: 20540

(1) "Alliance" means a municipal school district 20541
transformation alliance established as a nonprofit corporation. 20542

(2) "Alliance municipal school district" means a municipal 20543
school district for which an alliance has been created under 20544
this section. 20545

(3) "Partnering community school" means a community school 20546
established under Chapter 3314. of the Revised Code that is 20547
located within the territory of a municipal school district and 20548
that either is sponsored by the district or is a party to an 20549

agreement with the district whereby the district and the community school endorse each other's programs.

(4) "Transformation alliance education plan" means a plan prepared by the mayor, and confirmed by the alliance, to transform public education in the alliance municipal school district to a system of municipal school district schools and partnering community schools that will be held to the highest standards of school performance and student achievement.

(B) If one or more partnering community schools are located in a municipal school district, the mayor may initiate proceedings to establish a municipal school district transformation alliance as a nonprofit corporation under Chapter 1702. of the Revised Code. The mayor shall have sole authority to appoint the directors of any alliance created under this section. The directors of the alliance shall include representatives of all of the following:

(1) The municipal school district;

(2) Partnering community schools;

(3) Members of the community at large, including parents and educators;

(4) The business community, including business leaders and foundation leaders.

No one group listed in divisions (B)(1) to (4) of this section shall comprise a majority of the directors. The mayor shall be an ex officio director, and serve as the chairperson of the board of directors, of any alliance created under this section. If the proceedings are initiated, the mayor shall identify the directors in the articles of incorporation filed under section 1702.04 of the Revised Code.

(C) (1) A majority of the members of the board of directors 20579
of the alliance shall constitute a quorum of the board. Any 20580
formal action taken by the board of directors shall take place 20581
at a meeting of the board and shall require the concurrence of a 20582
majority of the members of the board. Meetings of the board of 20583
directors shall be public meetings open to the public at all 20584
times, except that the board and its committees and 20585
subcommittees may hold an executive session, as if it were a 20586
public body with public employees, for any of the purposes for 20587
which an executive session of a public body is permitted under 20588
division (G) of section 121.22 of the Revised Code, 20589
notwithstanding that the alliance is not a public body as 20590
defined in that section, and its employees are not public 20591
employees as provided in division (F) of this section. The board 20592
of directors shall establish reasonable methods whereby any 20593
person may determine the time and place of all of the board's 20594
public meetings and by which any person, upon request, may 20595
obtain reasonable advance notification of the board's public 20596
meetings. Provisions for that advance notification may include, 20597
but are not limited to, mailing notices to all subscribers on a 20598
mailing list or mailing notices in self-addressed, stamped 20599
envelopes provided by the person. 20600

(2) All records of the alliance shall be organized and 20601
maintained by the alliance and also filed with the department of 20602
education and workforce. The alliance and the department shall 20603
make those records available to the public as though those 20604
records were public records for purposes of Chapter 149. of the 20605
Revised Code. The department shall promptly notify the alliance 20606
upon the department's receipt of any requests for records 20607
relating to the alliance pursuant to section 149.43 of the 20608
Revised Code. 20609

(3) The board of directors of the alliance shall establish a conflicts of interest policy and shall adopt that policy, and any amendments to the policy, at a meeting of the board held in accordance with this section.

(D) (1) If an alliance is created under this section, the alliance shall do all of the following:

(a) Report annually on the performance of all municipal school district schools and all community schools established under Chapter 3314. of the Revised Code and located in the district, using the criteria adopted under division (B) of section 3311.87 of the Revised Code;

(b) Confirm and monitor implementation of the transformation alliance education plan;

(c) Suggest national education models for and provide input in the development of new municipal school district schools and partnering community schools.

(2) If an alliance is created under this section, the ~~department of education~~ may request alliance comment, or the alliance independently may offer comment to the department, on the granting, renewal, or extension of an agreement with a sponsor of community schools under section 3314.015 of the Revised Code when the sponsor has existing agreements with a community school located in an alliance municipal school district. If the alliance makes comments, those comments shall be considered by the department prior to making its decision whether to grant, renew, or extend the agreement.

For purposes of division (D) (2) of this section, comments by the alliance shall be based on the criteria established under division (A) of section 3311.87 of the Revised Code.

(E) Divisions (E) (1) to (3) of this section apply to each community school sponsor that is subject to approval by the department under section 3314.015 of the Revised Code whose approval under that section is granted, renewed, or extended on or after October 1, 2012. Divisions (E) (1) to (3) of this section do not apply to a sponsor that has been approved by the department prior to that date, until the sponsor's approval is renewed, granted anew, or extended on or after that date.

(1) Before a sponsor to which this section applies may sponsor new community schools in an alliance municipal school district, the sponsor shall request recommendation from the alliance to sponsor community schools in the district.

(2) The alliance shall review the sponsor's request and shall make a recommendation to the department based on the standards for sponsors developed under division (A) (2) of section 3311.87 of the Revised Code.

(3) The department shall use the standards developed under division (A) (2) of section 3311.87 of the Revised Code, in addition to any other requirements of the Revised Code, to review a sponsor's request and make a final determination, on recommendation of the alliance, of whether the sponsor may sponsor new community schools in the alliance municipal school district.

No sponsor shall be required to receive authorization to sponsor new community schools under division (E) (3) of this section more than one time.

(F) Directors, officers, and employees of an alliance are not public employees or public officials, are not subject to Chapters 124., 145., and 4117. of the Revised Code, and are not

"public officials" or "public servants" as defined in section 20668
2921.01 of the Revised Code. Membership on the board of 20669
directors of an alliance does not constitute the holding of an 20670
incompatible public office or employment in violation of any 20671
statutory or common law prohibition against the simultaneous 20672
holding of more than one public office or employment. Members of 20673
the board of directors of an alliance are not disqualified from 20674
holding any public office by reason of that membership, and do 20675
not forfeit by reason of that membership the public office or 20676
employment held when appointed to the board, notwithstanding any 20677
contrary disqualification or forfeiture requirement under the 20678
Revised Code or the common law of this state. 20679

Sec. 3311.87. The department of education and workforce, 20680
in conjunction with the municipal school district transformation 20681
alliance established under section 3311.86 of the Revised Code, 20682
if such an alliance is established under that section, and a 20683
statewide nonprofit organization whose membership is comprised 20684
solely of entities that sponsor community schools and whose 20685
members sponsor the majority of start-up community schools in 20686
the state, shall do all of the following: 20687

(A) Not later than December 31, 2012, establish both of 20688
the following: 20689

(1) Objective criteria to be used by a sponsor to 20690
determine if it will sponsor new community schools located 20691
within the municipal school district. Beginning with any 20692
community school that opens after July 1, 2013, each sponsor 20693
shall use the criteria established under this division to 20694
determine whether to sponsor a community school in the municipal 20695
district. 20696

(2) Criteria for assessing the ability of a sponsor to 20697

successfully sponsor a community school in a municipal school district. 20698
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The criteria adopted under divisions (A) (1) and (2) of this section shall be based on standards issued by the national association of charter school authorizers or any other nationally organized community or charter school organization. 20700
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(B) Not later than April 30, 2013, establish a comprehensive framework to assess the efficacy of district schools and community schools located in the municipal school district. Where possible, the framework shall be based on nationally accepted quality standards and principles for schools and shall be specific to a school's model, mission, and student populations. 20704
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Sec. 3312.01. (A) The educational regional service system is hereby established. The system shall support state and regional education initiatives and efforts to improve school effectiveness and student achievement. Services, including special education and related services, shall be provided under the system to school districts, community schools established under Chapter 3314. of the Revised Code, and chartered nonpublic schools. 20711
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It is the intent of the general assembly that the educational regional service system reduce the unnecessary duplication of programs and services and provide for a more streamlined and efficient delivery of educational services without reducing the availability of the services needed by school districts and schools. 20719
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(B) The educational regional service system shall consist of the following: 20725
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(1) The advisory councils and subcommittees established under sections 3312.03 and 3312.05 of the Revised Code;	20727 20728
(2) A fiscal agent for each of the regions as configured under section 3312.02 of the Revised Code;	20729 20730
(3) Educational service centers, information technology centers established under section 3301.075 of the Revised Code, and other regional education service providers.	20731 20732 20733
(C) Educational service centers shall provide the services that they are specifically required to provide by the Revised Code and may enter into agreements pursuant to section 3313.843, 3313.844, or 3313.845 of the Revised Code for the provision of other services, which may include any of the following:	20734 20735 20736 20737 20738
(1) Assistance in improving student performance;	20739
(2) Services to enable a school district or school to operate more efficiently or economically;	20740 20741
(3) Professional development for teachers or administrators;	20742 20743
(4) Assistance in the recruitment and retention of teachers and administrators;	20744 20745
(5) Applying for any state or federal grant on behalf of a school district;	20746 20747
(6) Any other educational, administrative, or operational services.	20748 20749
In addition to implementing state and regional education initiatives and school improvement efforts under the educational regional service system, educational service centers shall implement state or federally funded initiatives assigned to the	20750 20751 20752 20753

service centers by the general assembly or the department of 20754
education and workforce. 20755

Any educational service center selected to be a fiscal 20756
agent for its region pursuant to section 3312.07 of the Revised 20757
Code shall continue to operate as an educational service center 20758
for the part of the region that comprises its territory. 20759

(D) An educational service center shall be considered a 20760
school district or a local education agency for the purposes of 20761
eligibility in applying for any state or competitive federal 20762
grant. 20763

(E) Information technology centers may enter into 20764
agreements for the provision of services pursuant to section 20765
3312.10 of the Revised Code. 20766

(F) No school district, community school, or chartered 20767
nonpublic school shall be required to purchase services from an 20768
educational service center or information technology center in 20769
the region in which the district or school is located, except 20770
that a local school district shall receive any services required 20771
by the Revised Code to be provided by an educational service 20772
center to the local school districts in its territory from the 20773
educational service center in whose territory the district is 20774
located. 20775

Sec. 3312.02. (A) There shall be the following sixteen 20776
regions in the educational regional service system: 20777

(1) Region one shall consist of the territory contained in 20778
Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, 20779
Putnam, Sandusky, Seneca, Van Wert, Williams, and Wood counties. 20780

(2) Region two shall consist of the territory contained in 20781
Erie, Huron, and Lorain counties. 20782

- (3) Region three shall consist of the territory contained in Cuyahoga county. 20783
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- (4) Region four shall consist of the territory contained in Geauga and Lake counties. 20785
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- (5) Region five shall consist of the territory contained in Ashtabula, Mahoning, and Trumbull counties. 20787
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- (6) Region six shall consist of the territory contained in Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby counties. 20789
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- (7) Region seven shall consist of the territory contained in Ashland, Crawford, Knox, Marion, Morrow, Richland, and Wyandot counties. 20792
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- (8) Region eight shall consist of the territory contained in Medina, Portage, and Summit counties. 20795
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- (9) Region nine shall consist of the territory contained in Columbiana, Stark, and Wayne counties. 20797
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- (10) Region ten shall consist of the territory contained in Clark, Darke, Greene, Miami, Montgomery, and Preble counties. 20799
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- (11) Region eleven shall consist of the territory contained in Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and Union counties. 20801
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- (12) Region twelve shall consist of the territory contained in Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes, Jefferson, Muskingum, Noble, and Tuscarawas counties. 20804
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- (13) Region thirteen shall consist of the territory contained in Butler, Clermont, Hamilton, and Warren counties. 20807
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- (14) Region fourteen shall consist of the territory 20809

contained in Adams, Brown, Clinton, Fayette, and Highland 20810
counties. 20811

(15) Region fifteen shall consist of the territory 20812
contained in Lawrence, Pike, Ross, and Scioto counties. 20813

(16) Region sixteen shall consist of the territory 20814
contained in Athens, Gallia, Hocking, Jackson, Meigs, Monroe, 20815
Morgan, Perry, Vinton, and Washington counties. 20816

(B) ~~Not later than July 1, 2007, the state board~~ The 20817
department of education and workforce shall adopt rules 20818
establishing a process whereby a school district may elect to 20819
transfer to a region other than the region to which the district 20820
is assigned by this section. ~~The state board~~ department shall 20821
consult with school districts and regional service providers in 20822
developing the process. No school district shall be permitted to 20823
transfer to a different region under this division after June 20824
30, 2009. 20825

Sec. 3312.04. The advisory council of each region of the 20826
educational regional service system shall do all of the 20827
following: 20828

(A) Identify regional needs and priorities for educational 20829
services to inform the department of education and workforce in 20830
the development of the performance contracts entered into by the 20831
fiscal agent of the region under section 3312.08 of the Revised 20832
Code; 20833

(B) Develop policies to coordinate the delivery of 20834
services to school districts, community schools, and chartered 20835
nonpublic schools in a manner that responds to regional needs 20836
and priorities. Such policies shall not supersede any 20837
requirement of a performance contract entered into by the fiscal 20838

agent of the region under section 3312.08 of the Revised Code. 20839

(C) Make recommendations to the fiscal agent for the 20840
region regarding the expenditure of funds available to the 20841
region for implementation of state and regional education 20842
initiatives and school improvement efforts; 20843

(D) Monitor implementation of state and regional education 20844
initiatives and school improvement efforts by educational 20845
service centers, information technology centers, and other 20846
regional service providers to ensure that the terms of the 20847
performance contracts entered into by the fiscal agent for the 20848
region under section 3312.08 of the Revised Code are being met; 20849

(E) Establish an accountability system to evaluate the 20850
advisory council on its performance of the duties described in 20851
divisions (A) to (D) of this section. 20852

Sec. 3312.07. (A) ~~Not later than January 31, 2007, the~~ The 20853
department of education and workforce shall select a school 20854
district or educational service center in each region of the 20855
educational regional service system to be the fiscal agent for 20856
the region. For this purpose, the department shall issue a 20857
request for proposals from districts and service centers 20858
interested in being a fiscal agent. The department shall select 20859
each fiscal agent based upon the following criteria: 20860

(1) Capability to serve as a fiscal agent as demonstrated 20861
by a satisfactory audit record and prior experience serving as a 20862
fiscal agent; 20863

(2) Adequate capacity in terms of facilities, personnel, 20864
and other relevant resources; 20865

(3) Evidence that the school district's or educational 20866
service center's role as a fiscal agent would result in minimal 20867

disruption to its responsibilities as a district or service center; 20868
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(4) Demonstrated intent to limit the aggregate fees for administering a performance contract entered into under section 3312.08 of the Revised Code to not more than seven per cent of the value of the contract. 20870
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(B) If no school district or educational service center in a region responds to the request for proposals issued by the department, the department shall select a district or service center in the region that meets the criteria in division (A) of this section to be the fiscal agent for the region. 20874
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Sec. 3312.08. Each fiscal agent selected by the department of education and workforce pursuant to section 3312.07 of the Revised Code shall do all of the following: 20879
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(A) Enter into performance contracts with the department in accordance with section 3312.09 of the Revised Code for the implementation of state and regional education initiatives and school improvement efforts; 20882
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(B) Receive federal and state funds, including federal funds for the provision of special education and related services, as specified in the performance contracts, and disburse those funds as specified in the performance contracts to educational service centers, information technology centers, and other regional service providers. However, any funds owed to an educational service center in accordance with an agreement entered into under section 3313.843, 3313.844, or 3313.845 of the Revised Code shall be paid directly to the service center by the department and any operating funds appropriated for an information technology center shall be paid directly to the 20886
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information technology center by the department pursuant to 20897
section 3301.075 of the Revised Code. 20898

(C) Implement any expenditure of funds recommended by the 20899
advisory council for the region pursuant to section 3312.04 of 20900
the Revised Code or required by the terms of any performance 20901
contract, unless there are insufficient funds available to the 20902
region to pay for the expenditure or the expenditure violates a 20903
provision of the Revised Code, a rule of the ~~state board of~~ 20904
~~education department~~ regarding such expenditure, or the terms of 20905
a performance contract; 20906

(D) Exercise fiscal oversight of the implementation of 20907
state and regional education initiatives and school improvement 20908
efforts. 20909

Sec. 3312.09. (A) Each performance contract entered into 20910
by the department of education and workforce and the fiscal 20911
agent of a region for implementation of a state or regional 20912
education initiative or school improvement effort shall include 20913
the following: 20914

(1) An explanation of how the regional needs and 20915
priorities for educational services have been identified by the 20916
advisory council of the region, the advisory council's 20917
subcommittees, and the department; 20918

(2) A definition of the services to be provided to school 20919
districts, community schools, and chartered nonpublic schools in 20920
the region, including any services provided pursuant to division 20921
(A) of section 3302.04 of the Revised Code; 20922

(3) Expected outcomes from the provision of the services 20923
defined in the contract; 20924

(4) The method the department will use to evaluate whether 20925

the expected outcomes have been achieved;	20926
(5) A requirement that the fiscal agent develop and implement a corrective action plan if the results of the evaluation are unsatisfactory;	20927 20928 20929
(6) Data reporting requirements;	20930
(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.	20931 20932 20933 20934 20935
(B) Upon completion of each evaluation described in a performance contract, the department shall post the results of that evaluation on its web site.	20936 20937 20938
Sec. 3312.13. The department of education <u>and workforce</u> shall consider the following when entering into performance contracts with the fiscal agent of each region of the educational regional service system and when allocating funds for the implementation of statewide education initiatives by regional service providers;	20939 20940 20941 20942 20943 20944
(A) The unique needs and circumstances of the region;	20945
(B) The regional needs and priorities for educational services identified by the advisory council for the region;	20946 20947
(C) Any services that will be provided to school districts and schools within the region pursuant to division (A) of section 3302.04 of the Revised Code.	20948 20949 20950
Sec. 3313.03. Within three months after the official announcement of the result of each successive federal census, the board of education of each city school district which,	20951 20952 20953

according to such census, has a population of fifty thousand or more but less than one hundred fifty thousand persons and which elected to have subdistricts shall redistrict such districts into subdistricts. Such subdistricts shall be bounded as far as practicable by corporation lines, streets, alleys, avenues, public grounds, canals, watercourses, ward boundaries, voting precinct boundaries, or present school district boundaries, shall be as nearly equal in population as possible, and be composed of adjacent and as compact territory as practicable. If the board of any such district fails to district or redistrict such city school district, then the ~~superintendent of public instruction~~ director of education and workforce shall forthwith district or redistrict such city school district, subject to sections 3313.01 to 3313.13, ~~inclusive,~~ of the Revised Code.

Sec. 3313.25. (A) Except as otherwise provided in section 3.061 of the Revised Code, before entering upon the duties of office, the treasurer of each board of education shall execute a bond, in an amount and with surety to be approved by the board, payable to the state, conditioned for the faithful performance of all the official duties required of the treasurer. Such bond must be deposited with the president of the board, and a copy thereof, certified by the president, shall be filed with the county auditor.

(B) (1) A treasurer shall not be held liable for a loss of public funds when the treasurer has performed all official duties required of the treasurer with reasonable care, but shall be liable only when a loss of public funds results from the treasurer's negligence or other wrongful act.

(2) The department of education and workforce shall not consider the loss of public funds not resulting from the

treasurer's negligence or other wrongful act a violation of the 20984
treasurer's professional duties, provided the treasurer has 20985
performed all official duties required of the treasurer with 20986
reasonable care. 20987

Sec. 3313.30. (A) If the auditor of state or a public 20988
accountant, under section 117.41 of the Revised Code, declares a 20989
school district to be unauditabile, the auditor of state shall 20990
provide written notification of that declaration to the district 20991
and the department of education and workforce. The auditor of 20992
state also shall post the notification on the auditor of state's 20993
web site. 20994

(B) If the district's current treasurer held that position 20995
during the period for which the district is unauditabile, upon 20996
receipt of the notification under division (A) of this section, 20997
the district board of education shall suspend the treasurer 20998
until the auditor of state or a public accountant has completed 20999
an audit of the district. Suspension of the treasurer may be 21000
with or without pay, as determined by the district board based 21001
on the circumstances that prompted the auditor of state's 21002
declaration. The district board shall appoint a person to assume 21003
the duties of the treasurer during the period of the suspension. 21004
If the appointee is not licensed as a treasurer under section 21005
3301.074 of the Revised Code, the appointee shall be approved by 21006
the ~~superintendent of public instruction~~ director of education 21007
and workforce before assuming the duties of the treasurer. The 21008
state board of education may take action under section 3319.31 21009
of the Revised Code to suspend, revoke, or limit the license of 21010
a treasurer who has been suspended under this division. 21011

(C) Not later than forty-five days after receiving the 21012
notification under division (A) of this section, the district 21013

board shall provide a written response to the auditor of state. 21014
The response shall include the following: 21015

(1) An overview of the process the district board will use 21016
to review and understand the circumstances that led to the 21017
district becoming unauditable; 21018

(2) A plan for providing the auditor of state with the 21019
documentation necessary to complete an audit of the district and 21020
for ensuring that all financial documents are available in the 21021
future; 21022

(3) The actions the district board will take to ensure 21023
that the plan described in division (C) (2) of this section is 21024
implemented. 21025

(D) If the school district fails to make reasonable 21026
efforts and continuing progress to bring its accounts, records, 21027
files, or reports into an auditable condition within ninety days 21028
after being declared unauditable, the auditor of state, in 21029
addition to requesting legal action under sections 117.41 and 21030
117.42 of the Revised Code, shall notify the district and the 21031
department of the district's failure. If the auditor of state or 21032
a public accountant subsequently is able to complete a financial 21033
audit of the district, the auditor of state shall notify the 21034
district and the department that the audit has been completed. 21035

(E) Notwithstanding any provision to the contrary in 21036
Chapter 3317. of the Revised Code or in any other provision of 21037
law, upon notification by the auditor of state under division 21038
(D) of this section that the district has failed to make 21039
reasonable efforts and continuing progress to bring its 21040
accounts, records, files, or reports into an auditable 21041
condition, the department shall immediately cease all payments 21042

to the district under Chapter 3317. of the Revised Code and any 21043
other provision of law. Upon subsequent notification from the 21044
auditor of state under that division that the auditor of state 21045
or a public accountant was able to complete a financial audit of 21046
the district, the department shall release all funds withheld 21047
from the district under this section. 21048

Sec. 3313.413. (A) As used in this section, "high- 21049
performing community school" means either of the following: 21050

(1) A community school established under Chapter 3314. of 21051
the Revised Code that meets the following conditions: 21052

(a) Except as provided in division (A) (1) (b) or (c) of 21053
this section, the school both: 21054

(i) Has received either a grade of "A," "B," or "C" for 21055
the performance index score under division (C) (1) (b) of section 21056
3302.03 of the Revised Code or a performance rating of three 21057
stars or higher for achievement under division (D) (3) (b) of that 21058
section; or has increased its performance index score under 21059
division (C) (1) (b) or (D) (1) (d) of section 3302.03 of the 21060
Revised Code in each of the previous three years of operation; 21061
and 21062

(ii) Has received either a grade of "A" or "B" for the 21063
value-added progress dimension under division (C) (1) (e) of 21064
section 3302.03 of the Revised Code or a performance rating of 21065
four stars or higher for progress under division (D) (3) (c) of 21066
that section on its most recent report card rating issued under 21067
that section. 21068

(b) If the school serves only grades kindergarten through 21069
three, the school received either a grade of "A" or "B" for 21070
making progress in improving literacy in grades kindergarten 21071

through three under division (C) (1) (g) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for early literacy under division (D) (3) (e) of that section on its most recent report card issued under that section.

(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A) (4) (a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.

(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education and workforce.

(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of any STEM schools that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities, boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to purchase the property.

The district board shall give priority to the governing authorities of high-performing community schools that are located within the territory of the district.

(1) If more than one governing authority of a high-performing community school notifies the district treasurer of

its intention to purchase the property pursuant to division (B) 21101
of this section, the board shall conduct a public auction in the 21102
manner required for auctions of district property under division 21103
(A) of section 3313.41 of the Revised Code. Only the governing 21104
authorities of high-performing community schools that notified 21105
the district treasurer pursuant to division (B) of this section 21106
are eligible to bid at the auction. 21107

(2) If no governing authority of a high-performing 21108
community school notifies the district treasurer of its 21109
intention to purchase the property pursuant to division (B) of 21110
this section, the board shall then proceed with the offers from 21111
all other start-up community schools, college-preparatory 21112
boarding schools, and STEM schools made pursuant to that 21113
division. If more than one such entity notifies the district 21114
treasurer of its intention to purchase the property pursuant to 21115
division (B) of this section, the board shall conduct a public 21116
auction in the manner required for auctions of district property 21117
under division (A) of section 3313.41 of the Revised Code. Only 21118
the entities that notified the district treasurer pursuant to 21119
division (B) of this section are eligible to bid at the auction. 21120

(3) If no governing authority, board of trustees, or 21121
governing body notifies the district treasurer of its intention 21122
to purchase the property pursuant to division (B) of this 21123
section, the district may then offer the property for sale in 21124
the manner prescribed under divisions (A) to (F) of section 21125
3313.41 of the Revised Code. 21126

(C) Notwithstanding anything to the contrary in sections 21127
3313.41 and 3313.411 of the Revised Code, the purchase price of 21128
any real property sold to any of the entities in accordance with 21129
division (B) of this section shall not be more than the 21130

appraised fair market value of that property as determined in an 21131
appraisal of the property that is not more than one year old. 21132

(D) Not later than the first day of October of each year, 21133
the department of education and workforce shall post in a 21134
prominent location on its web site a list of schools that 21135
qualify as high-performing community schools for purposes of 21136
this section and section 3313.411 of the Revised Code. 21137

Sec. 3313.472. (A) The board of education of each city, 21138
exempted village, local, and joint vocational school district 21139
shall adopt a policy on parental involvement in the schools of 21140
the district. The policy shall be designed to build consistent 21141
and effective communication between the parents and foster 21142
caregivers of students enrolled in the district and the teachers 21143
and administrators assigned to the schools their children or 21144
foster children attend. The policy shall provide the opportunity 21145
for parents and foster caregivers to be actively involved in 21146
their children's or foster children's education and to be 21147
informed of the following: 21148

(1) The importance of the involvement of parents and 21149
foster caregivers in directly affecting the success of their 21150
children's or foster children's educational efforts; 21151

(2) How and when to assist their children or foster 21152
children in and support their children's or foster children's 21153
classroom learning activities; 21154

(3) Techniques, strategies, and skills to use at home to 21155
improve their children's or foster children's academic success 21156
and to support their children's or foster children's academic 21157
efforts at school and their children's or foster children's 21158
development as future responsible adult members of society. 21159

(B) The ~~state board department~~ of education and workforce 21160
shall adopt recommendations for the development of parental 21161
involvement policies under this section. Prior to adopting the 21162
recommendations, the ~~state board department~~ shall consult with 21163
the national center for parents at the university of Toledo. 21164

Sec. 3313.48. (A) The board of education of each city, 21165
exempted village, local, and joint vocational school district 21166
shall provide for the free education of the youth of school age 21167
within the district under its jurisdiction, at such places as 21168
will be most convenient for the attendance of the largest number 21169
thereof. Each school so provided and each chartered nonpublic 21170
school shall be open for instruction with pupils in attendance, 21171
including scheduled classes, supervised activities, and approved 21172
education options but excluding lunch and breakfast periods and 21173
extracurricular activities, for not less than four hundred 21174
fifty-five hours in the case of pupils in kindergarten unless 21175
such pupils are provided all-day kindergarten, as defined in 21176
section 3321.05 of the Revised Code, in which case the pupils 21177
shall be in attendance for nine hundred ten hours; nine hundred 21178
ten hours in the case of pupils in grades one through six; and 21179
one thousand one hours in the case of pupils in grades seven 21180
through twelve in each school year, which may include all of the 21181
following: 21182

(1) Up to the equivalent of two school days per year 21183
during which pupils would otherwise be in attendance but are not 21184
required to attend for the purpose of individualized parent- 21185
teacher conferences and reporting periods; 21186

(2) Up to the equivalent of two school days per year 21187
during which pupils would otherwise be in attendance but are not 21188
required to attend for professional meetings of teachers; 21189

(3) Morning and afternoon recess periods of not more than 21190
fifteen minutes duration per period for pupils in grades 21191
kindergarten through six. 21192

(B) Not later than thirty days prior to adopting a school 21193
calendar, the board of education of each city, exempted village, 21194
and local school district shall hold a public hearing on the 21195
school calendar, addressing topics that include, but are not 21196
limited to, the total number of hours in a school year, length 21197
of school day, and beginning and end dates of instruction. 21198

(C) No school operated by a city, exempted village, local, 21199
or joint vocational school district shall reduce the number of 21200
hours in each school year that the school is scheduled to be 21201
open for instruction from the number of hours per year the 21202
school was open for instruction during the previous school year 21203
unless the reduction is approved by a resolution adopted by the 21204
district board of education. Any reduction so approved shall not 21205
result in fewer hours of instruction per school year than the 21206
applicable number of hours required under division (A) of this 21207
section. 21208

(D) Prior to making any change in the hours or days in 21209
which a high school under its jurisdiction is open for 21210
instruction, the board of education of each city, exempted 21211
village, and local school district shall consider the 21212
compatibility of the proposed change with the scheduling needs 21213
of any joint vocational school district in which any of the high 21214
school's students are also enrolled. The board shall consider 21215
the impact of the proposed change on student access to the 21216
instructional programs offered by the joint vocational school 21217
district, incentives for students to participate in career- 21218
technical education, transportation, and the timing of 21219

graduation. The board shall provide the joint vocational school district board with advance notice of the proposed change and the two boards shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the joint vocational school district prior to implementation of the change.

(E) Subject to section 3327.016 of the Revised Code, prior to making any change in the hours or days in which a school under its jurisdiction is open for instruction, the board of education of each city, exempted village, and local school district shall consider the compatibility of the proposed change with the scheduling needs of any community school established under Chapter 3314. of the Revised Code to which the district is required to transport students under sections 3314.09 and 3327.01 of the Revised Code. The board shall consider the impact of the proposed change on student access to the instructional programs offered by the community school, transportation, and the timing of graduation. The board shall provide the sponsor, governing authority, and operator of the community school with advance notice of the proposed change, and the board and the governing authority, or operator if such authority is delegated to the operator, shall enter into a written agreement prescribing reasonable accommodations to meet the scheduling needs of the community school prior to implementation of the change.

(F) Subject to section 3327.016 of the Revised Code, prior to making any change in the hours or days in which the schools under its jurisdiction are open for instruction, the board of education of each city, exempted village, and local school district shall consult with the chartered nonpublic schools to which the district is required to transport students under

section 3327.01 of the Revised Code and shall consider the 21251
effect of the proposed change on the schedule for transportation 21252
of those students to their nonpublic schools. The governing 21253
authority of a chartered nonpublic school shall consult with 21254
each school district board of education that transports students 21255
to the chartered nonpublic school under section 3327.01 of the 21256
Revised Code prior to making any change in the hours or days in 21257
which the nonpublic school is open for instruction. 21258

(G) The ~~state board~~ department of education and workforce 21259
shall not adopt or enforce any rule or standard that imposes on 21260
chartered nonpublic schools the procedural requirements imposed 21261
on school districts by divisions (B), (C), (D), and (E) of this 21262
section. 21263

Sec. 3313.483. (A) A board of education, upon the adoption 21264
of a resolution stating that it may be financially unable to 21265
open on the day or to remain open for instruction on all days 21266
set forth in its adopted school calendar and pay all obligated 21267
expenses, or the ~~superintendent of public instruction~~ director 21268
of education and workforce upon the issuance of written 21269
notification under division (B) of section 3313.489 of the 21270
Revised Code, shall request the auditor of state to determine 21271
whether such situation exists. The auditor shall deliver a copy 21272
of each request from a board of education to the ~~superintendent~~ 21273
~~of public instruction~~ director. In the case of a school district 21274
not under a fiscal emergency pursuant to Chapter 3316. of the 21275
Revised Code the auditor shall not issue a finding under this 21276
section until written notification is received from the 21277
~~superintendent~~ director pursuant to section 3313.487 of the 21278
Revised Code. 21279

(B) If the auditor of state finds that the board of 21280

education has attempted to avail itself to the fullest extent 21281
authorized by law of all lawful revenue sources available to it 21282
except those authorized by section 5705.21 of the Revised Code, 21283
the auditor shall certify that finding to the ~~superintendent of~~ 21284
~~public instruction and the state board~~ department of education 21285
and workforce and shall certify the operating deficit the 21286
district will have at the end of the fiscal year if it commences 21287
or continues operating its instructional program in accordance 21288
with its adopted school calendar and pays all obligated 21289
expenses. 21290

(C) No board of education may delay the opening of its 21291
schools or close its schools for financial reasons. Upon the 21292
request of the ~~superintendent of public instruction~~ director of 21293
education and workforce, the attorney general shall seek 21294
injunctive relief and any other relief required to enforce this 21295
prohibition in the court of common pleas of Franklin county. The 21296
court of common pleas of Franklin county has exclusive original 21297
jurisdiction over all such actions. 21298

(D) Upon the receipt of any certification of an operating 21299
deficit from the auditor of state, a board of education shall 21300
make application to a commercial bank, underwriter, or other 21301
prospective lender or purchaser of its obligations for a loan in 21302
an amount sufficient to enable the district to open or remain 21303
open for instruction on all days set forth in its adopted school 21304
calendar but not to exceed the amount of the deficit certified. 21305

(E) (1) Any board of education that has applied for and 21306
been denied a loan from a commercial bank, underwriter, or other 21307
prospective lender or purchaser of its obligations pursuant to 21308
division (D) of this section shall submit to the ~~superintendent~~ 21309
~~of public instruction~~ director of education and workforce a plan 21310

for implementing reductions in the school district's budget; 21311
apply for a loan from a commercial bank, underwriter, or other 21312
prospective lender or purchaser of its obligations in an amount 21313
not to exceed its certified deficit; and provide the 21314
~~superintendent~~director such information as the ~~superintendent~~ 21315
director requires concerning its application for such a loan. 21316
The board of education of a school district declared to be under 21317
a fiscal watch pursuant to division (A) of section 3316.03 of 21318
the Revised Code may, upon approval of the 21319
~~superintendent~~director, utilize the financial plan required by 21320
section 3316.04 of the Revised Code, or applicable parts 21321
thereof, as the plan required under this division. The board of 21322
education of a school district declared to be under a fiscal 21323
emergency pursuant to division (B) of section 3316.03 of the 21324
Revised Code may utilize the financial recovery plan for the 21325
district, or applicable parts thereof, as the plan required 21326
under this division. Except for the plan of a school district 21327
under a fiscal emergency, the ~~superintendent~~director shall 21328
evaluate, make recommendations concerning, and approve or 21329
disapprove each plan. When a plan is submitted, the 21330
~~superintendent~~director shall immediately notify the members of 21331
the general assembly whose legislative districts include any or 21332
all of the territory of the school district submitting the plan. 21333

(2) The ~~superintendent~~director shall submit to the 21334
controlling board a copy of each plan the ~~superintendent~~ 21335
director approves, or each plan submitted by a district under a 21336
fiscal emergency pursuant to division (B) of section 3316.03 of 21337
the Revised Code, and the general terms of each proposed loan, 21338
and shall make recommendations regarding the plan and whether a 21339
proposed loan to the board of education should be approved for 21340
payment as provided in division (E) (3) of this section. The 21341

controlling board shall approve or disapprove the plan and the 21342
proposed loan presented to it by the ~~superintendent~~director. In 21343
the case of a district not under a fiscal emergency pursuant to 21344
division (B) of section 3316.03 of the Revised Code, the 21345
controlling board may require a board of education to implement 21346
the ~~superintendent's~~director's recommendations for expenditure 21347
reductions or impose other requirements. Loan repayments shall 21348
be in accordance with a schedule approved by the 21349
~~superintendent~~director, except that the principal amount of the 21350
loan shall be payable in monthly, semiannual, or annual 21351
installments of principal and interest that are substantially 21352
equal principal and interest installments. Except as otherwise 21353
provided in division (E) (2) of this section, repayment shall be 21354
made no later than the fifteenth day of June of the second 21355
fiscal year following the approval of the loan. A school 21356
district with a certified deficit in excess of either twenty- 21357
five million dollars or fifteen per cent of the general fund 21358
expenditures of the district during the fiscal year shall repay 21359
the loan no later than the fifteenth day of June of the tenth 21360
fiscal year following the approval of the loan. In deciding 21361
whether to approve or disapprove a proposed loan, the 21362
controlling board shall consider the deficit certified by the 21363
auditor of state pursuant to this section. A board of education 21364
that has an outstanding loan approved pursuant to this section 21365
with a repayment date of more than two fiscal years after the 21366
date of approval of such loan may not apply for another loan 21367
with such a repayment date until the outstanding loan has been 21368
repaid. 21369

(3) If a board of education has submitted and received 21370
controlling board approval of a plan and proposed loan in 21371
accordance with this section, the ~~superintendent of public-~~ 21372

~~instruction~~ director of education and workforce shall report to 21373
the controlling board the actual amounts loaned to the board of 21374
education. Such board of education shall request the 21375
~~superintendent~~ director to pay any funds the board of education 21376
would otherwise receive pursuant to Chapter 3306. of the Revised 21377
Code first directly to the holders of the board of education's 21378
notes, or an agent thereof, such amounts as are specified under 21379
the terms of the loan. Such payments shall be made only from and 21380
to the extent of money appropriated by the general assembly for 21381
purposes of such sections. No note or other obligation of the 21382
board of education under the loan constitutes an obligation nor 21383
a debt or a pledge of the faith, credit, or taxing power of the 21384
state, and the holder or owner of such note or obligation has no 21385
right to have taxes levied by the general assembly for the 21386
payment of such note or obligation, and such note or obligation 21387
shall contain a statement to that effect. 21388

(4) Pursuant to the terms of such a loan, a board of 21389
education may issue its notes in anticipation of the collection 21390
of its voted levies for current expenses or its receipt of such 21391
state funds or both. Such notes shall be issued in accordance 21392
with division (E) of section 133.10 of the Revised Code and 21393
constitute Chapter 133. securities to the extent such division 21394
and the otherwise applicable provisions of Chapter 133. of the 21395
Revised Code are not inconsistent with this section, provided 21396
that in any event sections 133.24 and 5705.21 and divisions (A), 21397
(B), (C), and (E) (2) of section 133.10 of the Revised Code do 21398
not apply to such notes. 21399

(5) Notwithstanding section 133.36 or 3313.17, any other 21400
section of the Revised Code, or any other provision of law, a 21401
board of education that has received a loan under this section 21402
may not declare bankruptcy, so long as any portion of such loan 21403

remains unpaid. 21404

(F) Under this section and section 3313.4810, "board of 21405
education" or "district board" includes the financial planning 21406
and supervision commission of a school district under a fiscal 21407
emergency pursuant to Chapter 3316. of the Revised Code where 21408
such commission chooses to exercise the powers and duties 21409
otherwise required of the district board of education under this 21410
section and section 3313.4810 of the Revised Code. 21411

Sec. 3313.484. No loan shall be approved under sections 21412
3313.483 to 3313.4810 of the Revised Code after March 1, 1998. 21413

By the last day of June each year, the department of 21414
education and workforce shall calculate and pay a subsidy to 21415
every school district that during the current fiscal year paid 21416
and was obligated to pay interest on a loan under sections 21417
3313.483 to 3313.4810 of the Revised Code in excess of two per 21418
cent simple interest. The amount of the subsidy shall equal the 21419
difference between the amount of interest the district paid and 21420
was obligated to pay during the year and the interest that the 21421
district would have been obligated to pay if the interest rate 21422
on the loan had been two per cent per year. 21423

Sec. 3313.487. (A) Upon receipt of a copy of a request for 21424
a determination under section 3313.483 of the Revised Code or 21425
upon the issuance of written notification under division (B) of 21426
section 3313.489 of the Revised Code, the ~~superintendent of~~ 21427
~~public instruction~~ department of education and workforce shall 21428
analyze the district's financial condition and ascertain what 21429
elements of the district's educational program exceed or fail to 21430
meet the minimum standards of the ~~state board~~ director of 21431
education and workforce and requirements set forth in the 21432
Revised Code, and what, if any, additional revenues or revenue 21433

sources may be available to the district that are not included 21434
in its official certificate or amended certificate of estimated 21435
resources. The ~~superintendent~~ director shall make a written 21436
report of the ~~superintendent's~~ director's findings to the school 21437
district's board of education, and the auditor of state, ~~and the~~ 21438
~~state board of education~~. The report shall include any 21439
recommendations, including reductions in programs which exceed 21440
minimum standards of the ~~state board of education~~ director or 21441
requirements set forth in the Revised Code, that, if followed, 21442
would enable the district to reduce its expenses while operating 21443
an educational program that is responsive to the educational 21444
needs of the school district in accordance with its adopted 21445
school calendar. The ~~superintendent~~ director may determine that 21446
a responsive educational program requires the inclusion of 21447
elements exceeding the minimum standards of the ~~state board of~~ 21448
~~education~~ director or requirements of the Revised Code. If, upon 21449
completion of the analysis and findings as provided in this 21450
division, the ~~superintendent~~ director determines that the 21451
district will be financially unable to operate its educational 21452
program in accordance with its adopted school calendar and pay 21453
all obligated expenses, the ~~superintendent~~ director shall notify 21454
the auditor of state in writing. Upon receipt of such 21455
notification, the auditor of state shall issue findings pursuant 21456
to section 3313.483 of the Revised Code. 21457

(B) Upon the receipt of the ~~superintendent of public~~ 21458
~~instruction's~~ director of education and workforce's report under 21459
division (A) of this section or a certification from the auditor 21460
of state under section 3313.483 of the Revised Code, the ~~state~~ 21461
~~board of education~~ director may, at any time during the next 21462
ninety days, issue an order making the school district subject 21463
to section 3313.488 of the Revised Code if it finds the school 21464

district is not able to operate an educational program from 21465
existing revenue sources during the current and the ensuing 21466
school year. Such order shall take immediate effect, and such 21467
section shall apply to the school district. ~~Prior to the~~ 21468
~~issuance of any order under this division, the state board of~~ 21469
~~education may request from the superintendent of public~~ 21470
~~instruction a recommendation regarding the matter of the~~ 21471
~~issuance of an order making a school district subject to section~~ 21472
~~3313.488 of the Revised Code.~~ A board of education may appeal 21473
the order on questions of fact to the court of common pleas of 21474
Franklin county. 21475

(C) Notwithstanding division (B) of this section, the 21476
~~state board of education~~ director shall issue an order making a 21477
school district subject to section 3313.488 of the Revised Code 21478
if the district fails to enter into a loan agreement with a 21479
commercial lending institution within forty-five days of the 21480
deficit certification pursuant to section 3313.483 of the 21481
Revised Code. If the ~~state board~~ director issues an order under 21482
this division, the ~~superintendent of public instruction~~ director 21483
shall apply for a loan from a commercial lending institution 21484
pursuant to section 3313.483 of the Revised Code on behalf of 21485
the district. The ~~superintendent~~ director shall have full 21486
authority to act on behalf of the board of education of a school 21487
district with respect to the making of loan agreements, and any 21488
loan agreement made by the ~~superintendent~~ director shall be 21489
fully binding on the school district. 21490

(D) This section does not apply to a school district 21491
declared to be under a fiscal emergency pursuant to division (B) 21492
of section 3316.03 of the Revised Code. 21493

Sec. 3313.488. (A) Within fifteen days after the date the 21494

~~state board~~ director of education and workforce issues an order 21495
under section 3313.487 of the Revised Code making a school 21496
district subject to this section, the district's board of 21497
education shall prepare a fiscal statement of expenses and 21498
expenditures for the remainder of the current fiscal year. The 21499
fiscal statement shall be submitted to the ~~superintendent of~~ 21500
~~public instruction~~ department of education and workforce and 21501
shall set forth all revenues to be received by the district 21502
during the remainder of the fiscal year and their sources, the 21503
expenses to be incurred by the district during the remainder of 21504
the fiscal year, the outstanding and unpaid expenses at the time 21505
the fiscal statement is prepared and the date or dates by which 21506
such expenses must be paid, and such other information as the 21507
~~superintendent~~ director requires to enable the ~~superintendent~~ 21508
department of education and workforce to ensure that during the 21509
remainder of the fiscal year, the district will not incur any 21510
expenses that will further impair its ability to operate an 21511
instructional program that meets or exceeds the minimum 21512
standards of the ~~state board of education~~ director and 21513
requirements of the Revised Code during the current and ensuing 21514
fiscal years with the revenue available to it from existing 21515
revenue sources. The fiscal statement shall be presented in such 21516
detail and form as the ~~superintendent~~ department prescribes. 21517
Beginning the tenth day after the fiscal statement is submitted 21518
and for the remainder of the fiscal year, the board shall not 21519
make any expenditure of money, make any employment, purchase, or 21520
rental contract, give any order involving the expenditure of 21521
money, or increase any wage or salary schedule unless the 21522
~~superintendent of public instruction~~ director has approved the 21523
fiscal statement in writing and the expenditure, contract, 21524
order, or schedule has been approved in writing by the 21525
~~superintendent~~ director as being in conformity with the fiscal 21526

statement. 21527

Any contract or expenditure made, order given, or schedule 21528
adopted or put into effect without the written approval of the 21529
~~superintendent of public instruction director~~ is void, and no 21530
warrant shall be issued in payment of any amount due thereon. 21531

(B) A board of education subject to division (A) of this 21532
section shall prepare a fiscal statement of expenses and 21533
expenditures for the ensuing fiscal year. The fiscal statement 21534
shall be submitted to the ~~superintendent of public instruction~~ 21535
~~director~~ and shall set forth all revenues to be received by the 21536
district during such year and their source, the expenses to be 21537
incurred by the district during such year, the outstanding and 21538
unpaid expenses on the first day of such fiscal year, the date 21539
or dates by which such expenses must be paid, and such other 21540
information as the ~~superintendent department~~ requires to enable 21541
the ~~superintendent department~~ to ensure that during such year, 21542
the district will not incur any expenses that will further 21543
impair its ability to operate an instructional program that 21544
meets or exceeds the minimum standards of the ~~state board of~~ 21545
~~education director~~ and requirements of the Revised Code during 21546
such year with the revenue available to it from existing revenue 21547
sources. The fiscal statement shall be presented at the time and 21548
in such detail and form as the ~~superintendent department~~ 21549
prescribes. During the fiscal year following the year in which a 21550
board of education first becomes subject to division (A) of this 21551
section it shall not make any expenditure of money, make any 21552
employment, purchase, or rental contract, give any order 21553
involving the expenditure of money, or increase any wage or 21554
salary schedule unless the ~~superintendent of public instruction~~ 21555
~~director~~ has approved the fiscal statement submitted under this 21556
division in writing and has approved the expenditure, contract, 21557

order, or schedule in writing as being in conformity with the 21558
fiscal statement. 21559

Any contract or expenditure made, order given, or schedule 21560
adopted or put into effect without the written approval of the 21561
~~superintendent of public instruction~~ director is void, and no 21562
warrant shall be issued in payment of any amount due thereon. 21563

(C) The ~~state board of education~~ department shall examine 21564
any fiscal statement presented to and approved by ~~the~~ 21565
~~superintendent of public instruction~~ it under division (B) of 21566
this section and shall determine whether the data set forth in 21567
the fiscal statement are factual and based upon assumptions that 21568
in its judgment are reasonable expectations consistent with 21569
acceptable governmental budget and accounting practices. If the 21570
~~state board~~ department so determines and finds that the revenues 21571
and expenditures in the fiscal statement are in balance for the 21572
fiscal year and the fiscal statement will enable the district to 21573
operate during such year without interrupting its school 21574
calendar, it shall certify its determination and finding to the 21575
district at least thirty days prior to the beginning of the 21576
fiscal year, and the district shall thereupon cease to be 21577
subject to this section. If the ~~state board~~ department does not 21578
make such a determination and finding, the board of education 21579
and school district are subject to this division and division 21580
(B) of this section in the ensuing fiscal year and each fiscal 21581
year thereafter until the ~~state board~~ department makes a 21582
determination, finding, and certification under this division. 21583

(D) Any officer, employee, or other person who knowingly 21584
expends or authorizes the expenditure of any public funds or 21585
knowingly authorizes or executes any contract, order, or 21586
schedule contrary to division (A) or (B) of this section or who 21587

knowingly expends or authorizes the expenditure of any public 21588
funds on any such void contract, order, or schedule is jointly 21589
and severally liable in person and upon any official bond that 21590
the officer, employee, or other person has given to such school 21591
district to the extent of any payments on the void claim, not to 21592
exceed twenty thousand dollars. The attorney general at the 21593
written request of the ~~superintendent of public instruction~~ 21594
department shall enforce this liability by civil action brought 21595
in any court of appropriate jurisdiction in the name of and on 21596
behalf of the school district. 21597

(E) This section does not apply to a school district 21598
declared to be under a fiscal emergency pursuant to division (B) 21599
of section 3316.03 of the Revised Code. 21600

Sec. 3313.489. (A) The ~~superintendent of public~~ 21601
~~instruction~~ director of education and workforce shall examine 21602
each five-year projection of revenues and expenditures submitted 21603
under section 5705.391 of the Revised Code and shall determine 21604
whether the information contained therein, together with any 21605
other relevant information, indicates that the district may be 21606
financially unable to operate its instructional program on all 21607
days set forth in its adopted school calendars and pay all 21608
obligated expenses during the current fiscal year. If a board of 21609
education has not adopted a school calendar for the school year 21610
beginning on the first day of July of the current fiscal year at 21611
the time an examination is required under this division, the 21612
~~superintendent~~ director shall examine the five-year projection 21613
and determine whether the district may be financially unable to 21614
pay all obligated expenses and operate its instructional program 21615
for the number of days on which instruction was held in the 21616
preceding fiscal year. 21617

(B) If the ~~superintendent of public instruction~~ director of education and workforce determines pursuant to division (A) of this section that a school district may be financially unable to operate its instructional program on all days required by such division and pay all obligated expenses during the current fiscal year, the ~~superintendent~~ director shall provide written notification of such determination to the president of the district's board of education and the auditor of state.

(C) This section does not apply to a school district declared to be under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code.

Sec. 3313.4810. Any school district receiving a loan under section 3313.483 of the Revised Code in excess of seven per cent of the general fund expenditures of the district during the fiscal year in which the loan is received and that has received a loan under that section within the last five years is subject to section 3313.488 of the Revised Code for the duration of the fiscal year in which the district receives the loan and during the ensuing two fiscal years. The controlling board may not relieve a school district to which this section applies from any requirements imposed under section 3313.483 of the Revised Code to implement recommendations of the ~~superintendent of public instruction~~ director of education and workforce for expenditure reduction and may not modify any other requirements imposed under such section upon such a district as a condition for receiving the loan unless expressly authorized to do so by law. The ~~superintendent of public instruction~~ director shall, among any recommendations the ~~superintendent~~ director makes for expenditure reduction under section 3313.483 of the Revised Code affecting the number of employees of a school district to which this section applies, provide wherever possible for the

retention of teachers who are actually involved in the daily 21649
teaching of students in the classroom. 21650

Sec. 3313.531. (A) As used in this section, "adult high 21651
school continuation programs" means an organized instructional 21652
program for persons sixteen years of age and older, except as 21653
provided in division (C) of this section, who are not otherwise 21654
enrolled in a high school for which the ~~state board~~ director of 21655
education and workforce sets standards pursuant to section 21656
3301.07 of the Revised Code. Such programs are limited to 21657
courses for which credit may be granted toward the issuance of a 21658
high school diploma. 21659

(B) The board of education of any school district may 21660
establish and operate an adult high school continuation program. 21661
Two or more boards of education may jointly establish and 21662
operate such a program. The resolution establishing an adult 21663
high school continuation program may specify the contribution 21664
and expenditure of funds, the use of buildings, equipment, and 21665
other school facilities, and such other matters as the board 21666
wishes to include. In the case of a jointly operated program, 21667
the resolutions establishing such program shall also designate 21668
one of the participating boards to be responsible for receiving 21669
and disbursing funds, and administering the program for the 21670
benefit of all participating boards of education. 21671

(C) A board of education that operates an adult high 21672
school continuation program alone or jointly with another board 21673
may, by resolution, authorize the district's superintendent to 21674
assign to such program in accordance with this section, any 21675
student who has not received a high school diploma, who is at 21676
least eighteen years old, and who is being readmitted to school 21677
following expulsion or commitment to the department of youth 21678

services. Before making any such assignment, the superintendent 21679
or ~~his~~ the superintendent's designee shall meet with the student 21680
to determine whether ~~he~~ the student should be so assigned, and 21681
shall prepare a report on ~~his~~ the superintendent's or designee's 21682
findings and determination. If based on ~~his~~ the meeting or ~~his~~ the 21683
designee's report the superintendent finds that the pupil 21684
should be placed in a program under this section, the 21685
superintendent shall make the assignment. Once assigned to the 21686
program, the student shall remain in it until ~~he~~ the student is 21687
reassigned by the superintendent or leaves school. At least once 21688
in each academic term, the superintendent or ~~his~~ the 21689
superintendent's designee shall review the progress of each 21690
student assigned to the program under this division and the 21691
superintendent shall, based on the review, make a determination 21692
of whether the student should remain in the program or be 21693
reassigned. Tuition shall not be charged for the attendance of 21694
any student assigned to a program pursuant to this division who 21695
is entitled under section 3313.64 of the Revised Code to attend 21696
the schools of the district without payment of tuition. 21697

(D) The ~~state board~~ department of education and workforce 21698
shall adopt rules and standards governing the operations of 21699
adult high school continuation programs. Any school district or 21700
combination of districts operating such a program in accordance 21701
with the rules and standards of the ~~state board of education~~ 21702
department ~~may receive from the state board of education,~~ with 21703
the approval of the ~~superintendent of public instruction,~~ 21704
department, receive reimbursement from the department in an 21705
amount not to exceed ten dollars per instructional hour. 21706

Sec. 3313.532. (A) Any person twenty-two or more years of 21707
age and enrolled in an adult high school continuation program 21708
established pursuant to section 3313.531 of the Revised Code may 21709

request the board of education operating the program to conduct 21710
an evaluation in accordance with division (C) of this section. 21711

(B) Any applicant to a board of education for a diploma of 21712
adult education under division (B) of section 3313.611 of the 21713
Revised Code may request the board to conduct an evaluation in 21714
accordance with division (C) of this section. 21715

(C) Upon the request of any person pursuant to division 21716
(A) or (B) of this section, the board of education to which the 21717
request is made shall evaluate the person to determine whether 21718
the person is disabled, in accordance with rules adopted by the 21719
~~state board~~ department of education and workforce. If the 21720
evaluation indicates that the person is disabled, the board 21721
shall determine whether to excuse the person from taking any of 21722
the assessments required by section 3313.618 of the Revised Code 21723
as a requirement for receiving a diploma under section 3313.611 21724
of the Revised Code. The board may require the person to take an 21725
alternate assessment in place of any test from which the person 21726
is so excused. 21727

Sec. 3313.533. (A) The board of education of a city, 21728
exempted village, or local school district may adopt a 21729
resolution to establish and maintain an alternative school in 21730
accordance with this section. The resolution shall specify, but 21731
not necessarily be limited to, all of the following: 21732

(1) The purpose of the school, which purpose shall be to 21733
serve students who are on suspension, who are having truancy 21734
problems, who are experiencing academic failure, who have a 21735
history of class disruption, who are exhibiting other academic 21736
or behavioral problems specified in the resolution, or who have 21737
been discharged or released from the custody of the department 21738
of youth services under section 5139.51 of the Revised Code; 21739

- (2) The grades served by the school, which may include any of grades kindergarten through twelve; 21740
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- (3) A requirement that the school be operated in accordance with this section. The board of education adopting the resolution under division (A) of this section shall be the governing board of the alternative school. The board shall develop and implement a plan for the school in accordance with the resolution establishing the school and in accordance with this section. Each plan shall include, but not necessarily be limited to, all of the following: 21742
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- (a) Specification of the reasons for which students will be accepted for assignment to the school and any criteria for admission that are to be used by the board to approve or disapprove the assignment of students to the school; 21750
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- (b) Specification of the criteria and procedures that will be used for returning students who have been assigned to the school back to the regular education program of the district; 21754
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- (c) An evaluation plan for assessing the effectiveness of the school and its educational program and reporting the results of the evaluation to the public. 21757
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21759
- (B) Notwithstanding any provision of Title XXXIII of the Revised Code to the contrary, the alternative school plan may include any of the following: 21760
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- (1) A requirement that on each school day students must attend school or participate in other programs specified in the plan or by the chief administrative officer of the school for a period equal to the minimum school day set by the board of education under section 3313.48 of the Revised Code plus any additional time required in the plan or by the chief 21763
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administrative officer; 21769

(2) Restrictions on student participation in 21770
extracurricular or interscholastic activities; 21771

(3) A requirement that students wear uniforms prescribed 21772
by the district board of education. 21773

(C) In accordance with the alternative school plan, the 21774
district board of education may employ teachers and nonteaching 21775
employees necessary to carry out its duties and fulfill its 21776
responsibilities or may contract with a nonprofit or for profit 21777
entity to operate the alternative school, including the 21778
provision of personnel, supplies, equipment, or facilities. 21779

(D) An alternative school may be established in all or 21780
part of a school building. 21781

(E) If a district board of education elects under this 21782
section, or is required by section 3313.534 of the Revised Code, 21783
to establish an alternative school, the district board may join 21784
with the board of education of one or more other districts to 21785
form a joint alternative school by forming a cooperative 21786
education school district under section 3311.52 or 3311.521 of 21787
the Revised Code, or a joint educational program under section 21788
3313.842 of the Revised Code. The authority to employ personnel 21789
or to contract with a nonprofit or for profit entity under 21790
division (C) of this section applies to any alternative school 21791
program established under this division. 21792

(F) Any individual employed as a teacher at an alternative 21793
school operated by a nonprofit or for profit entity under this 21794
section shall be licensed and shall be subject to background 21795
checks, as described in section 3319.39 of the Revised Code, in 21796
the same manner as an individual employed by a school district. 21797

(G) Division (G) of this section applies only to any alternative school that is operated by a nonprofit or for profit entity under contract with the school district.	21798 21799 21800
(1) In addition to the specifications authorized under division (B) of this section, any plan adopted under that division for an alternative school to which division (G) of this section also applies shall include the following:	21801 21802 21803 21804
(a) A description of the educational program provided at the alternative school, which shall include:	21805 21806
(i) Provisions for the school to be configured in clusters or small learning communities;	21807 21808
(ii) Provisions for the incorporation of education technology into the curriculum;	21809 21810
(iii) Provisions for accelerated learning programs in reading and mathematics.	21811 21812
(b) A method to determine the reading and mathematics level of each student assigned to the alternative school and a method to continuously monitor each student's progress in those areas. The methods employed under this division shall be aligned with the curriculum adopted by the school district board of education under section 3313.60 of the Revised Code.	21813 21814 21815 21816 21817 21818
(c) A plan for social services to be provided at the alternative school, such as, but not limited to, counseling services, psychological support services, and enrichment programs;	21819 21820 21821 21822
(d) A plan for a student's transition from the alternative school back to a school operated by the school district;	21823 21824
(e) A requirement that the alternative school maintain	21825

financial records in a manner that is compatible with the form 21826
prescribed for school districts by the auditor of state to 21827
enable the district to comply with any rules adopted by the 21828
auditor of state. 21829

(2) Notwithstanding division (A)(2) of this section, any 21830
alternative school to which division (G) of this section applies 21831
shall include only grades six through twelve. 21832

(3) Notwithstanding anything in division (A)(3)(a) of this 21833
section to the contrary, the characteristics of students who may 21834
be assigned to an alternative school to which division (G) of 21835
this section applies shall include only disruptive and low- 21836
performing students. 21837

(H) When any district board of education determines to 21838
contract with a nonprofit or for profit entity to operate an 21839
alternative school under this section, the board shall use the 21840
procedure set forth in this division. 21841

(1) The board shall publish notice of a request for 21842
proposals in a newspaper of general circulation in the district 21843
once each week for a period of two consecutive weeks, or as 21844
provided in section 7.16 of the Revised Code, prior to the date 21845
specified by the board for receiving proposals. Notices of 21846
requests for proposals shall contain a general description of 21847
the subject of the proposed contract and the location where the 21848
request for proposals may be obtained. The request for proposals 21849
shall include all of the following information: 21850

(a) Instructions and information to respondents concerning 21851
the submission of proposals, including the name and address of 21852
the office where proposals are to be submitted; 21853

(b) Instructions regarding communications, including at 21854

least the names, titles, and telephone numbers of persons to whom questions concerning a proposal may be directed; 21855
21856

(c) A description of the performance criteria that will be used to evaluate whether a respondent to which a contract is awarded is meeting the district's educational standards or the method by which such performance criteria will be determined; 21857
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(d) Factors and criteria to be considered in evaluating proposals, the relative importance of each factor or criterion, and a description of the evaluation procedures to be followed; 21861
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(e) Any terms or conditions of the proposed contract, including any requirement for a bond and the amount of such bond; 21864
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21866

(f) Documents that may be incorporated by reference into the request for proposals, provided that the request for proposals specifies where such documents may be obtained and that such documents are readily available to all interested parties. 21867
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(2) After the date specified for receiving proposals, the board shall evaluate the submitted proposals and may hold discussions with any respondent to ensure a complete understanding of the proposal and the qualifications of such respondent to execute the proposed contract. Such qualifications shall include, but are not limited to, all of the following: 21872
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(a) Demonstrated competence in performance of the required services as indicated by effective implementation of educational programs in reading and mathematics and at least three years of experience successfully serving a student population similar to the student population assigned to the alternative school; 21878
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(b) Demonstrated performance in the areas of cost 21883

containment, the provision of educational services of a high 21884
quality, and any other areas determined by the board; 21885

(c) Whether the respondent has the resources to undertake 21886
the operation of the alternative school and to provide qualified 21887
personnel to staff the school; 21888

(d) Financial responsibility. 21889

(3) The board shall select for further review at least 21890
three proposals from respondents the board considers qualified 21891
to operate the alternative school in the best interests of the 21892
students and the district. If fewer than three proposals are 21893
submitted, the board shall select each proposal submitted. The 21894
board may cancel a request for proposals or reject all proposals 21895
at any time prior to the execution of a contract. 21896

The board may hold discussions with any of the three 21897
selected respondents to clarify or revise the provisions of a 21898
proposal or the proposed contract to ensure complete 21899
understanding between the board and the respondent of the terms 21900
under which a contract will be entered. Respondents shall be 21901
accorded fair and equal treatment with respect to any 21902
opportunity for discussion regarding clarifications or 21903
revisions. The board may terminate or discontinue any further 21904
discussion with a respondent upon written notice. 21905

(4) Upon further review of the three proposals selected by 21906
the board, the board shall award a contract to the respondent 21907
the board considers to have the most merit, taking into 21908
consideration the scope, complexity, and nature of the services 21909
to be performed by the respondent under the contract. 21910

(5) Except as provided in division (H)(6) of this section, 21911
the request for proposals, submitted proposals, and related 21912

documents shall become public records under section 149.43 of 21913
the Revised Code after the award of the contract. 21914

(6) Any respondent may request in writing that the board 21915
not disclose confidential or proprietary information or trade 21916
secrets contained in the proposal submitted by the respondent to 21917
the board. Any such request shall be accompanied by an offer of 21918
indemnification from the respondent to the board. The board 21919
shall determine whether to agree to the request and shall inform 21920
the respondent in writing of its decision. If the board agrees 21921
to nondisclosure of specified information in a proposal, such 21922
information shall not become a public record under section 21923
149.43 of the Revised Code. If the respondent withdraws its 21924
proposal at any time prior to the execution of a contract, the 21925
proposal shall not be a public record under section 149.43 of 21926
the Revised Code. 21927

(I) Upon a recommendation from the department and in 21928
accordance with section 3301.16 of the Revised Code, the ~~state-~~ 21929
~~board-director~~ of education and workforce may revoke the charter 21930
of any alternative school operated by a school district that 21931
violates this section. 21932

Sec. 3313.534. (A) The board of education of each city, 21933
exempted village, and local school district shall adopt a policy 21934
of zero tolerance for violent, disruptive, or inappropriate 21935
behavior and establish strategies to address such behavior that 21936
range from prevention to intervention. A policy adopted pursuant 21937
to this section shall comply with the requirements of sections 21938
3313.668 and 3319.46 of the Revised Code. 21939

(B) Each of the big eight school districts, as defined in 21940
section 3314.02 of the Revised Code, shall establish under 21941
section 3313.533 of the Revised Code at least one alternative 21942

school to meet the educational needs of students with severe 21943
discipline problems, including, but not limited to, excessive 21944
disruption in the classroom and multiple suspensions or 21945
expulsions. Any other school district that attains after that 21946
date a significantly substandard graduation rate, as defined by 21947
the department of education and workforce, shall also establish 21948
such an alternative school under that section. 21949

Sec. 3313.5310. (A) (1) This section applies to both of the 21950
following: 21951

(a) Any school operated by a school district board of 21952
education; 21953

(b) Any chartered or nonchartered nonpublic school that is 21954
subject to the rules of an interscholastic conference or an 21955
organization that regulates interscholastic conferences or 21956
events. 21957

(2) As used in this section, "athletic activity" means all 21958
of the following: 21959

(a) Interscholastic athletics; 21960

(b) An athletic contest or competition that is sponsored 21961
by or associated with a school that is subject to this section, 21962
including cheerleading, club-sponsored sports activities, and 21963
sports activities sponsored by school-affiliated organizations; 21964

(c) Noncompetitive cheerleading that is sponsored by 21965
school-affiliated organizations; 21966

(d) Practices, interschool practices, and scrimmages for 21967
all of the activities described in divisions (A) (2) (a), (b), and 21968
(c) of this section. 21969

(B) Prior to the start of each athletic season, a school 21970

that is subject to this section may hold an informational 21971
meeting for students, parents, guardians, other persons having 21972
care or charge of a student, physicians, pediatric 21973
cardiologists, athletic trainers, and any other persons 21974
regarding the symptoms and warning signs of sudden cardiac 21975
arrest for all ages of students. 21976

(C) No student shall participate in an athletic activity 21977
until the student has submitted to a designated school official 21978
a form signed by the student and the parent, guardian, or other 21979
person having care or charge of the student stating that the 21980
student and the parent, guardian, or other person having care or 21981
charge of the student have received and reviewed a copy of the 21982
information jointly developed by the ~~departments~~ department of 21983
health and the department of education and workforce and posted 21984
on their respective ~~internet~~ web sites as required by section 21985
3707.59 of the Revised Code. A completed form shall be submitted 21986
each school year, as defined in section 3313.62 of the Revised 21987
Code, in which the student participates in an athletic activity. 21988

(D) No individual shall coach an athletic activity unless 21989
the individual has completed, on an annual basis, the sudden 21990
cardiac arrest training course approved by the department of 21991
health under division (C) of section 3707.59 of the Revised 21992
Code. 21993

(E) (1) A student shall not be allowed to participate in an 21994
athletic activity if either of the following is the case: 21995

(a) The student's biological parent, biological sibling, 21996
or biological child has previously experienced sudden cardiac 21997
arrest, and the student has not been evaluated and cleared for 21998
participation in an athletic activity by a physician authorized 21999
under Chapter 4731. of the Revised Code to practice medicine and 22000

surgery or osteopathic medicine and surgery. 22001

(b) The student is known to have exhibited syncope or 22002
fainting at any time prior to or following an athletic activity 22003
and has not been evaluated and cleared for return under division 22004
(E) (3) of this section after exhibiting syncope or fainting. 22005

(2) A student shall be removed by the student's coach from 22006
participation in an athletic activity if the student exhibits 22007
syncope or fainting. 22008

(3) If a student is not allowed to participate in or is 22009
removed from participation in an athletic activity under 22010
division (E) (1) or (2) of this section, the student shall not be 22011
allowed to return to participation until the student is 22012
evaluated and cleared for return in writing by any of the 22013
following: 22014

(a) A physician authorized under Chapter 4731. of the 22015
Revised Code to practice medicine and surgery or osteopathic 22016
medicine and surgery, including a physician who specializes in 22017
cardiology; 22018

(b) A certified nurse practitioner, clinical nurse 22019
specialist, or certified nurse-midwife who holds a certificate 22020
of authority issued under Chapter 4723. of the Revised Code; 22021

(c) A physician assistant licensed under Chapter 4730. of 22022
the Revised Code; 22023

(d) An athletic trainer licensed under Chapter 4755. of 22024
the Revised Code. 22025

The licensed health care providers specified in divisions 22026
(E) (3) (a) to (d) of this section may consult with any other 22027
licensed or certified health care providers in order to 22028

determine whether a student is ready to return to participation. 22029

(F) A school that is subject to this section shall 22030
establish penalties for a coach who violates the provisions of 22031
division (E) of this section. 22032

(G) Nothing in this section shall be construed to abridge 22033
or limit any rights provided under a collective bargaining 22034
agreement entered into under Chapter 4117. of the Revised Code 22035
prior to March 14, 2017. 22036

(H) (1) A school district, member of a school district 22037
board of education, or school district employee or volunteer, 22038
including a coach, is not liable in damages in a civil action 22039
for injury, death, or loss to person or property allegedly 22040
arising from providing services or performing duties under this 22041
section, unless the act or omission constitutes willful or 22042
wanton misconduct. 22043

This section does not eliminate, limit, or reduce any 22044
other immunity or defense that a school district, member of a 22045
school district board of education, or school district employee 22046
or volunteer, including a coach, may be entitled to under 22047
Chapter 2744. or any other provision of the Revised Code or 22048
under the common law of this state. 22049

(2) A chartered or nonchartered nonpublic school or any 22050
officer, director, employee, or volunteer of the school, 22051
including a coach, is not liable in damages in a civil action 22052
for injury, death, or loss to person or property allegedly 22053
arising from providing services or performing duties under this 22054
section, unless the act or omission constitutes willful or 22055
wanton misconduct. 22056

Sec. 3313.5312. (A) A student who is receiving home 22057

~~instruction education~~ in accordance with ~~division (A) (2) of~~ 22058
section ~~3321.04~~ 3321.042 of the Revised Code shall be afforded, 22059
by the superintendent of the school district in which the 22060
student is entitled to attend school under section 3313.64 or 22061
3313.65 of the Revised Code, the opportunity to participate in 22062
any extracurricular activity offered at the district school to 22063
which the student otherwise would be assigned during that school 22064
year. If more than one school operated by the school district 22065
serves the student's grade level, as determined by the district 22066
superintendent based on the student's age and academic 22067
performance, the student shall be afforded the opportunity to 22068
participate in extracurricular activities at the school to which 22069
the student would be assigned by the superintendent under 22070
section 3319.01 of the Revised Code. If a student who is 22071
afforded the opportunity to participate in extracurricular 22072
activities under division (A) of this section wishes to 22073
participate in an activity that is offered by the district, the 22074
student shall not participate in that activity at another school 22075
or school district to which the student is not entitled to 22076
attend. 22077

(B) The superintendent of any school district may afford 22078
any student who receives home ~~instruction education~~ under 22079
~~division (A) (2) of~~ section ~~3321.04~~ 3321.042 of the Revised Code, 22080
and who is not entitled to attend school in the district under 22081
section 3313.64 or 3313.65 of the Revised Code, the opportunity 22082
to participate in any extracurricular activity offered by a 22083
school of the district, if the district to which the student is 22084
entitled to attend does not offer that extracurricular activity. 22085

(C) In order to participate in an extracurricular activity 22086
under this section, the student shall be of the appropriate age 22087
and grade level, as determined by the superintendent of the 22088

district, for the school that offers the extracurricular 22089
activity, shall fulfill the same nonacademic and financial 22090
requirements as any other participant, and shall fulfill either 22091
of the following academic requirements: 22092

(1) If the student received home ~~instruction-education~~ in 22093
the preceding grading period, the student shall meet any 22094
academic requirements established by the ~~state board~~ department 22095
of education and workforce for the continuation of home 22096
instruction. 22097

(2) If the student did not receive home ~~instruction-~~ 22098
education in the preceding grading period, the student's 22099
academic performance during the preceding grading period shall 22100
have met any academic standards for eligibility to participate 22101
in the program established by the school district. 22102

(D) Eligibility for a student who leaves a school district 22103
mid-year for home ~~instruction-education~~ shall be determined 22104
based on an interim academic assessment issued by the district 22105
in which the student was enrolled based on the student's work 22106
while enrolled in that district. 22107

(E) Any student who commences home ~~instruction-education~~ 22108
after the beginning of a school year and who is, at the time 22109
home ~~instruction-education~~ commences, ineligible to participate 22110
in an extracurricular activity due to failure to meet academic 22111
standards or any other requirements of the district shall not 22112
participate in the extracurricular activity under this section 22113
until the student meets the applicable academic requirements 22114
~~established by the state board of education for continuation of~~ 22115
~~home instruction~~ as verified by the superintendent of the 22116
district. No student under this section shall be eligible to 22117
participate in the same semester in which the student was 22118

determined ineligible. 22119

(F) No school district shall impose additional rules on a 22120
student to participate under this section that do not apply to 22121
other students participating in the same extracurricular 22122
activity. No district shall impose fees for a student to 22123
participate under this section that exceed any fees charged to 22124
other students participating in the same extracurricular 22125
activity. 22126

(G) No school district, interscholastic conference, or 22127
organization that regulates interscholastic conferences or 22128
events shall require a student who is eligible to participate in 22129
interscholastic extracurricular activities under this section to 22130
meet eligibility requirements that conflict with this section. 22131

Sec. 3313.5314. No student who is enrolled in a public or 22132
nonpublic school shall be denied the opportunity to participate 22133
in interscholastic athletics offered by that school solely 22134
because the student is participating or has participated in the 22135
college credit plus program under Chapter 3365. of the Revised 22136
Code, so long as the student fulfills all other academic, 22137
nonacademic, and financial requirements that are not related to 22138
participation in the program. 22139

Additionally, no student who is enrolled in a community 22140
school, STEM school, or nonpublic school or who is receiving 22141
home ~~instruction~~education shall be denied the opportunity to 22142
participate in interscholastic athletics at the school in which 22143
the student is entitled to attend school under section 3313.64 22144
or 3313.65 of the Revised Code solely because of participation 22145
in the college credit plus program, so long as the student meets 22146
the applicable requirements under section 3313.537, 3313.5311, 22147
or 3313.5312 of the Revised Code and fulfills all other 22148

academic, nonacademic, and financial requirements that are not 22149
related to participation in the program. 22150

As used in this section, "community school" means a 22151
community school established under Chapter 3314. of the Revised 22152
Code, and "STEM school" means a science, technology, 22153
engineering, and mathematics school established under Chapter 22154
3326. of the Revised Code. 22155

Sec. 3313.56. The board of education of any city, exempted 22156
village, or local school district may establish and maintain 22157
part-time schools or classes for the further education of 22158
children who are employed on age and schooling certificates. 22159
Such schools and classes shall be conducted not fewer than four 22160
hours per week while in session, and for not fewer than one 22161
hundred forty-four hours per calendar year between the hours of 22162
seven in the morning and six in the afternoon, excluding 22163
Saturday afternoon and Sunday. Such schools and classes shall be 22164
conducted under such standards as the ~~state board~~ department of 22165
education and workforce prescribes. Boards of education may 22166
provide for the expense of such schools and classes the same as 22167
for the expense of ordinary elementary schools. 22168

Sec. 3313.57. Boards of education of city, exempted 22169
village, or local school districts may provide or approve, 22170
subject to the approval of parents, activities for children 22171
during the summer vacation period which will promote their 22172
health, their civic and vocational competence, and their 22173
industry, recreation, character, or thrift. The superintendents 22174
of such school districts shall cause records to be kept of such 22175
activities assigned and completed. With the approval of the 22176
~~state board~~ department of education and workforce the successful 22177
completion of such vacation activities may be required for 22178

promotions and diplomas of graduation, but the completion by any 22179
child of such vacation activities shall not be prerequisite to 22180
the issuance of an age and schooling certificate for such child. 22181
Boards of education shall provide the service necessary to 22182
direct such activities and may pay any necessary expenses 22183
incident thereto, the same as the expense of an ordinary 22184
elementary school. 22185

Sec. 3313.60. Notwithstanding division (D) of section 22186
3311.52 of the Revised Code, divisions (A) to (E) of this 22187
section do not apply to any cooperative education school 22188
district established pursuant to divisions (A) to (C) of section 22189
3311.52 of the Revised Code. 22190

(A) The board of education of each city, exempted village, 22191
and local school district and the board of each cooperative 22192
education school district established, pursuant to section 22193
3311.521 of the Revised Code, shall prescribe a curriculum for 22194
all schools under its control. Except as provided in division 22195
(E) of this section, in any such curriculum there shall be 22196
included the study of the following subjects: 22197

(1) The language arts, including reading, writing, 22198
spelling, oral and written English, and literature; 22199

(2) Geography, the history of the United States and of 22200
Ohio, and national, state, and local government in the United 22201
States, including a balanced presentation of the relevant 22202
contributions to society of men and women of African, Mexican, 22203
Puerto Rican, and American Indian descent as well as other 22204
ethnic and racial groups in Ohio and the United States; 22205

(3) Mathematics; 22206

(4) Natural science, including instruction in the 22207

conservation of natural resources;	22208
(5) Health education, which shall include instruction in:	22209
(a) The nutritive value of foods, including natural and organically produced foods, the relation of nutrition to health, and the use and effects of food additives;	22210 22211 22212
(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco, including electronic smoking devices;	22213 22214 22215
(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;	22216 22217 22218
(d) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;	22219 22220 22221 22222 22223
(e) In grades seven through twelve, age-appropriate instruction in dating violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships.	22224 22225 22226 22227
In order to assist school districts in developing a dating violence prevention education curriculum, the department of education <u>and workforce</u> shall provide on its web site links to free curricula addressing dating violence prevention.	22228 22229 22230 22231
If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention instruction materials used at that school, the	22232 22233 22234 22235

principal, within a reasonable period of time after the request 22236
is made, shall allow the parent or guardian to examine those 22237
materials at that school. 22238

(f) Prescription opioid abuse prevention, with an emphasis 22239
on the prescription drug epidemic and the connection between 22240
prescription opioid abuse and addiction to other drugs, such as 22241
heroin; 22242

(g) The process of making an anatomical gift under Chapter 22243
2108. of the Revised Code, with an emphasis on the life-saving 22244
and life-enhancing effects of organ and tissue donation; 22245

(h) Beginning with the first day of the next school year 22246
that begins at least two years after March 24, 2021, in grades 22247
six through twelve, at least one hour or one standard class 22248
period per school year of evidence-based suicide awareness and 22249
prevention and at least one hour or one standard class period 22250
per school year of safety training and violence prevention, 22251
except that upon written request of the student's parent or 22252
guardian, a student shall be excused from taking instruction in 22253
suicide awareness and prevention or safety training and violence 22254
prevention; 22255

(i) Beginning with the first day of the next school year 22256
that begins at least two years after March 24, 2021, in grades 22257
six through twelve, at least one hour or one standard class 22258
period per school year of evidence-based social inclusion 22259
instruction, except that upon written request of the student's 22260
parent or guardian, a student shall be excused from taking 22261
instruction in social inclusion. 22262

For the instruction required under divisions (A) (5) (h) and 22263
(i) of this section, the board shall use a training program 22264

approved by the department of education and workforce under 22265
section 3301.221 of the Revised Code. 22266

Schools may use student assemblies, digital learning, and 22267
homework to satisfy the instruction requirements under divisions 22268
(A) (5) (h) and (i) of this section. 22269

(6) Physical education; 22270

(7) The fine arts, including music; 22271

(8) First aid, including a training program in 22272
cardiopulmonary resuscitation, which shall comply with section 22273
3313.6021 of the Revised Code when offered in any of grades nine 22274
through twelve, safety, and fire prevention. However, upon 22275
written request of the student's parent or guardian, a student 22276
shall be excused from taking instruction in cardiopulmonary 22277
resuscitation. 22278

(B) Except as provided in division (E) of this section, 22279
every school or school district shall include in the 22280
requirements for promotion from the eighth grade to the ninth 22281
grade one year's course of study of American history. A board 22282
may waive this requirement for academically accelerated students 22283
who, in accordance with procedures adopted by the board, are 22284
able to demonstrate mastery of essential concepts and skills of 22285
the eighth grade American history course of study. 22286

(C) As specified in divisions (B) (6) and (C) (6) of section 22287
3313.603 of the Revised Code, except as provided in division (E) 22288
of this section, every high school shall include in the 22289
requirements for graduation from any curriculum one-half unit 22290
each of American history and government. 22291

(D) Except as provided in division (E) of this section, 22292
basic instruction or demonstrated mastery in geography, United 22293

States history, the government of the United States, the 22294
government of the state of Ohio, local government in Ohio, the 22295
Declaration of Independence, the United States Constitution, and 22296
the Constitution of the state of Ohio shall be required before 22297
pupils may participate in courses involving the study of social 22298
problems, economics, foreign affairs, United Nations, world 22299
government, socialism, and communism. 22300

(E) For each cooperative education school district 22301
established pursuant to section 3311.521 of the Revised Code and 22302
each city, exempted village, and local school district that has 22303
territory within such a cooperative district, the curriculum 22304
adopted pursuant to divisions (A) to (D) of this section shall 22305
only include the study of the subjects that apply to the grades 22306
operated by each such school district. The curricula for such 22307
schools, when combined, shall provide to each student of these 22308
districts all of the subjects required under divisions (A) to 22309
(D) of this section. 22310

(F) The board of education of any cooperative education 22311
school district established pursuant to divisions (A) to (C) of 22312
section 3311.52 of the Revised Code shall prescribe a curriculum 22313
for the subject areas and grade levels offered in any school 22314
under its control. 22315

(G) Upon the request of any parent or legal guardian of a 22316
student, the board of education of any school district shall 22317
permit the parent or guardian to promptly examine, with respect 22318
to the parent's or guardian's own child: 22319

(1) Any survey or questionnaire, prior to its 22320
administration to the child; 22321

(2) Any textbook, workbook, software, video, or other 22322

instructional materials being used by the district in connection	22323
with the instruction of the child;	22324
(3) Any completed and graded test taken or survey or	22325
questionnaire filled out by the child;	22326
(4) Copies of the statewide academic standards and each	22327
model curriculum developed pursuant to section 3301.079 of the	22328
Revised Code, which copies shall be available at all times	22329
during school hours in each district school building.	22330
Sec. 3313.603. (A) As used in this section:	22331
(1) "One unit" means a minimum of one hundred twenty hours	22332
of course instruction, except that for a laboratory course, "one	22333
unit" means a minimum of one hundred fifty hours of course	22334
instruction.	22335
(2) "One-half unit" means a minimum of sixty hours of	22336
course instruction, except that for physical education courses,	22337
"one-half unit" means a minimum of one hundred twenty hours of	22338
course instruction.	22339
(B) Beginning September 15, 2001, except as required in	22340
division (C) of this section and division (C) of section	22341
3313.614 of the Revised Code, the requirements for graduation	22342
from every high school shall include twenty units earned in	22343
grades nine through twelve and shall be distributed as follows:	22344
(1) English language arts, four units;	22345
(2) Health, one-half unit;	22346
(3) Mathematics, three units;	22347
(4) Physical education, one-half unit;	22348
(5) Science, two units until September 15, 2003, and three	22349

units thereafter, which at all times shall include both of the 22350
following: 22351

(a) Biological sciences, one unit; 22352

(b) Physical sciences, one unit. 22353

(6) History and government, one unit, which shall comply 22354
with division (M) of this section and shall include both of the 22355
following: 22356

(a) American history, one-half unit; 22357

(b) American government, one-half unit. 22358

(7) Social studies, two units. 22359

Beginning with students who enter ninth grade for the 22360
first time on or after July 1, 2017, the two units of 22361
instruction prescribed by division (B) (7) of this section shall 22362
include at least one-half unit of instruction in the study of 22363
world history and civilizations. 22364

(8) Elective units, seven units until September 15, 2003, 22365
and six units thereafter. 22366

Each student's electives shall include at least one unit, 22367
or two half units, chosen from among the areas of 22368
business/technology, fine arts, and/or foreign language. 22369

(C) Beginning with students who enter ninth grade for the 22370
first time on or after July 1, 2010, except as provided in 22371
divisions (D) to (F) of this section, the requirements for 22372
graduation from every public and chartered nonpublic high school 22373
shall include twenty units that are designed to prepare students 22374
for the workforce and college. The units shall be distributed as 22375
follows: 22376

(1) English language arts, four units;	22377
(2) Health, one-half unit, which shall include instruction in nutrition and the benefits of nutritious foods and physical activity for overall health;	22378 22379 22380
(3) Mathematics, four units, which shall include one unit of algebra II or the equivalent of algebra II, or one unit of advanced computer science as described in the standards adopted pursuant to division (A)(4) of section 3301.079 of the Revised Code. However, students who enter ninth grade for the first time on or after July 1, 2015, and who are pursuing a career-technical instructional track shall not be required to take algebra II or advanced computer science, and instead may complete a career-based pathway mathematics course approved by the department of education <u>and workforce</u> as an alternative.	22381 22382 22383 22384 22385 22386 22387 22388 22389 22390
For students who choose to take advanced computer science in lieu of algebra II under division (C)(3) of this section, the school shall communicate to those students that some institutions of higher education may require algebra II for the purpose of college admission. Also, the parent, guardian, or legal custodian of each student who chooses to take advanced computer science in lieu of algebra II shall sign and submit to the school a document containing a statement acknowledging that not taking algebra II may have an adverse effect on college admission decisions.	22391 22392 22393 22394 22395 22396 22397 22398 22399 22400
A student may fulfill one unit of mathematics under division (C)(3) of this section by completing one-half unit of financial literacy instruction to satisfy the requirement prescribed under division (C)(9) of this section and one-half unit of a mathematics course. The one-half unit course in mathematics shall not be in algebra II, or its equivalent, or a	22401 22402 22403 22404 22405 22406

course for which the state board <u>department</u> requires an end-of-	22407
course examination under section 3301.0712 of the Revised Code.	22408
Students who choose to take one unit of advanced computer	22409
science in lieu of algebra II, as described in division (C) (3)	22410
of this section, shall not be permitted to complete one-half	22411
unit of financial literacy instruction to satisfy the	22412
mathematics unit requirements of that division. Instead, those	22413
students shall be required to complete the one-half unit of	22414
financial literacy instruction under division (C) (8) of this	22415
section.	22416
(4) Physical education, one-half unit;	22417
(5) Science, three units with inquiry-based laboratory	22418
experience that engages students in asking valid scientific	22419
questions and gathering and analyzing information, which shall	22420
include the following, or their equivalent:	22421
(a) Physical sciences, one unit;	22422
(b) Life sciences, one unit;	22423
(c) Advanced study in one or more of the following	22424
sciences, one unit:	22425
(i) Chemistry, physics, or other physical science;	22426
(ii) Advanced biology or other life science;	22427
(iii) Astronomy, physical geology, or other earth or space	22428
science;	22429
(iv) Computer science.	22430
No student shall substitute a computer science course for	22431
a life sciences or biology course under division (C) (5) of this	22432
section.	22433

(6) History and government, one unit, which shall comply with division (M) of this section and shall include both of the following: 22434
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(a) American history, one-half unit; 22437

(b) American government, one-half unit. 22438

(7) Social studies, two units. 22439

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. 22440
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(8) Five units consisting of one or any combination of foreign language, fine arts, business, career-technical education, family and consumer sciences, technology which may include computer science, agricultural education, a junior reserve officer training corps (JROTC) program approved by the congress of the United States under title 10 of the United States Code, or English language arts, mathematics, science, or social studies courses not otherwise required under division (C) of this section. 22445
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One-half unit of instruction under division (C) (8) of this section may be instruction in financial literacy to satisfy the requirement under division (C) (9) of this section. 22454
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(9) (a) Except as provided in division (C) (9) (b) of this section, for students who enter ninth grade for the first time on or after July 1, 2022, financial literacy, one-half unit. 22457
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Each student shall elect to complete the one-half unit of instruction in financial literacy either in lieu of one-half unit of instruction in mathematics under division (C) (3) of this 22460
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section or an elective under division (C) (8) of this section. 22463

(b) A student attending a nonpublic school accredited 22464
through the independent schools association of the central 22465
states or any other chartered nonpublic school shall not be 22466
required to complete the one-half unit of financial literacy 22467
instruction prescribed in division (C) (9) (a) of this section, 22468
unless that student is attending the school under a state 22469
scholarship program as defined in section 3301.0711 of the 22470
Revised Code. 22471

The study and instruction of financial literacy required 22472
under division (C) (9) of this section shall align with the 22473
academic content standards for financial literacy and 22474
entrepreneurship adopted under division (A) (2) of section 22475
3301.079 of the Revised Code. In developing the curriculum for 22476
the study and instruction of financial literacy, schools may use 22477
available public-private partnerships and resources and 22478
materials that exist in business, industry, and through the 22479
centers for economics education at institutions of higher 22480
education. 22481

Ohioans must be prepared to apply increased knowledge and 22482
skills in the workplace and to adapt their knowledge and skills 22483
quickly to meet the rapidly changing conditions of the twenty- 22484
first century. National studies indicate that all high school 22485
graduates need the same academic foundation, regardless of the 22486
opportunities they pursue after graduation. The goal of Ohio's 22487
system of elementary and secondary education is to prepare all 22488
students for and seamlessly connect all students to success in 22489
life beyond high school graduation, regardless of whether the 22490
next step is entering the workforce, beginning an 22491
apprenticeship, engaging in post-secondary training, serving in 22492

the military, or pursuing a college degree. 22493

The requirements for graduation prescribed in division (C) 22494
of this section are the standard expectation for all students 22495
entering ninth grade for the first time at a public or chartered 22496
nonpublic high school on or after July 1, 2010. A student may 22497
satisfy this expectation through a variety of methods, 22498
including, but not limited to, integrated, applied, career- 22499
technical, and traditional coursework. 22500

Stronger coordination between high schools and 22501
institutions of higher education is necessary to prepare 22502
students for more challenging academic endeavors and to lessen 22503
the need for academic remediation in college, thereby reducing 22504
the costs of higher education for Ohio's students, families, and 22505
the state. The ~~state board~~ department and the chancellor of 22506
higher education shall develop policies to ensure that only in 22507
rare instances will students who complete the requirements for 22508
graduation prescribed in division (C) of this section require 22509
academic remediation after high school. 22510

School districts, community schools, and chartered 22511
nonpublic schools shall integrate technology into learning 22512
experiences across the curriculum in order to maximize 22513
efficiency, enhance learning, and prepare students for success 22514
in the technology-driven twenty-first century. Districts and 22515
schools shall use distance and web-based course delivery as a 22516
method of providing or augmenting all instruction required under 22517
this division, including laboratory experience in science. 22518
Districts and schools shall utilize technology access and 22519
electronic learning opportunities provided by the broadcast 22520
educational media commission, chancellor, the Ohio learning 22521
network, education technology centers, public television 22522

stations, and other public and private providers. 22523

(D) Except as provided in division (E) of this section, a 22524
student who enters ninth grade on or after July 1, 2010, and 22525
before July 1, 2016, may qualify for graduation from a public or 22526
chartered nonpublic high school even though the student has not 22527
completed the requirements for graduation prescribed in division 22528
(C) of this section if all of the following conditions are 22529
satisfied: 22530

(1) During the student's third year of attending high 22531
school, as determined by the school, the student and the 22532
student's parent, guardian, or custodian sign and file with the 22533
school a written statement asserting the parent's, guardian's, 22534
or custodian's consent to the student's graduating without 22535
completing the requirements for graduation prescribed in 22536
division (C) of this section and acknowledging that one 22537
consequence of not completing those requirements is 22538
ineligibility to enroll in most state universities in Ohio 22539
without further coursework. 22540

(2) The student and parent, guardian, or custodian fulfill 22541
any procedural requirements the school stipulates to ensure the 22542
student's and parent's, guardian's, or custodian's informed 22543
consent and to facilitate orderly filing of statements under 22544
division (D)(1) of this section. Annually, each district or 22545
school shall notify the department of the number of students who 22546
choose to qualify for graduation under division (D) of this 22547
section and the number of students who complete the student's 22548
success plan and graduate from high school. 22549

(3) The student and the student's parent, guardian, or 22550
custodian and a representative of the student's high school 22551
jointly develop a student success plan for the student in the 22552

manner described in division (C) (1) of section 3313.6020 of the Revised Code that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship. 22553
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(4) The student's high school provides counseling and support for the student related to the plan developed under division (D) (3) of this section during the remainder of the student's high school experience. 22557
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(5) (a) Except as provided in division (D) (5) (b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section. 22561
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(b) Beginning with students who enter ninth grade for the first time on or after July 1, 2014, a student shall be required to complete successfully, at the minimum, the curriculum prescribed in division (B) of this section, except as follows: 22564
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(i) Mathematics, four units, one unit which shall be one of the following: 22568
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(I) Probability and statistics; 22570

(II) Computer science; 22571

(III) Applied mathematics or quantitative reasoning; 22572

(IV) Any other course approved by the department using standards established by the superintendent not later than October 1, 2014. 22573
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(ii) Elective units, five units; 22576

(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 22577
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questions and gathering and analyzing information. 22580

(E) Each school district and chartered nonpublic school 22581
retains the authority to require an even more challenging 22582
minimum curriculum for high school graduation than specified in 22583
division (B) or (C) of this section. A school district board of 22584
education, through the adoption of a resolution, or the 22585
governing authority of a chartered nonpublic school may 22586
stipulate any of the following: 22587

(1) A minimum high school curriculum that requires more 22588
than twenty units of academic credit to graduate; 22589

(2) An exception to the district's or school's minimum 22590
high school curriculum that is comparable to the exception 22591
provided in division (D) of this section but with additional 22592
requirements, which may include a requirement that the student 22593
successfully complete more than the minimum curriculum 22594
prescribed in division (B) of this section; 22595

(3) That no exception comparable to that provided in 22596
division (D) of this section is available. 22597

If a school district or chartered nonpublic school 22598
requires a foreign language as an additional graduation 22599
requirement under division (E) of this section, a student may 22600
apply one unit of instruction in computer coding to satisfy one 22601
unit of foreign language. If a student applies more than one 22602
computer coding course to satisfy the foreign language 22603
requirement, the courses shall be sequential and progressively 22604
more difficult. 22605

(F) A student enrolled in a dropout prevention and 22606
recovery program, which program has received a waiver from the 22607
department, may qualify for graduation from high school by 22608

successfully completing a competency-based instructional program 22609
administered by the dropout prevention and recovery program in 22610
lieu of completing the requirements for graduation prescribed in 22611
division (C) of this section. The department shall grant a 22612
waiver to a dropout prevention and recovery program, within 22613
sixty days after the program applies for the waiver, if the 22614
program meets all of the following conditions: 22615

(1) The program serves only students not younger than 22616
sixteen years of age and not older than twenty-one years of age. 22617

(2) The program enrolls students who, at the time of their 22618
initial enrollment, either, or both, are at least one grade 22619
level behind their cohort age groups or experience crises that 22620
significantly interfere with their academic progress such that 22621
they are prevented from continuing their traditional programs. 22622

(3) The program requires students to attain at least the 22623
applicable score designated for each of the assessments 22624
prescribed under division (B) (1) of section 3301.0710 of the 22625
Revised Code or, to the extent prescribed by rule of the ~~state-~~ 22626
~~board-department~~ under division (D) (5) of section 3301.0712 of 22627
the Revised Code, division (B) (2) of that section. 22628

(4) The program develops a student success plan for the 22629
student in the manner described in division (C) (1) of section 22630
3313.6020 of the Revised Code that specifies the student's 22631
matriculating to a two-year degree program, acquiring a business 22632
and industry-recognized credential, or entering an 22633
apprenticeship. 22634

(5) The program provides counseling and support for the 22635
student related to the plan developed under division (F) (4) of 22636
this section during the remainder of the student's high school 22637

experience. 22638

(6) The program requires the student and the student's 22639
parent, guardian, or custodian to sign and file, in accordance 22640
with procedural requirements stipulated by the program, a 22641
written statement asserting the parent's, guardian's, or 22642
custodian's consent to the student's graduating without 22643
completing the requirements for graduation prescribed in 22644
division (C) of this section and acknowledging that one 22645
consequence of not completing those requirements is 22646
ineligibility to enroll in most state universities in Ohio 22647
without further coursework. 22648

(7) Prior to receiving the waiver, the program has 22649
submitted to the department an instructional plan that 22650
demonstrates how the academic content standards adopted by the 22651
~~state board~~ department under section 3301.079 of the Revised 22652
Code will be taught and assessed. 22653

(8) Prior to receiving the waiver, the program has 22654
submitted to the department a policy on career advising that 22655
satisfies the requirements of section 3313.6020 of the Revised 22656
Code, with an emphasis on how every student will receive career 22657
advising. 22658

(9) Prior to receiving the waiver, the program has 22659
submitted to the department a written agreement outlining the 22660
future cooperation between the program and any combination of 22661
local job training, postsecondary education, nonprofit, and 22662
health and social service organizations to provide services for 22663
students in the program and their families. 22664

Divisions (F) (8) and (9) of this section apply only to 22665
waivers granted on or after July 1, 2015. 22666

If the department does not act either to grant the waiver 22667
or to reject the program application for the waiver within sixty 22668
days as required under this section, the waiver shall be 22669
considered to be granted. 22670

(G) Every high school may permit students below the ninth 22671
grade to take advanced work. If a high school so permits, it 22672
shall award high school credit for successful completion of the 22673
advanced work and shall count such advanced work toward the 22674
graduation requirements of division (B) or (C) of this section 22675
if the advanced work was both: 22676

(1) Taught by a person who possesses a license or 22677
certificate issued under section 3301.071, 3319.22, or 3319.222 22678
of the Revised Code that is valid for teaching high school; 22679

(2) Designated by the board of education of the city, 22680
local, or exempted village school district, the board of the 22681
cooperative education school district, or the governing 22682
authority of the chartered nonpublic school as meeting the high 22683
school curriculum requirements. 22684

Each high school shall record on the student's high school 22685
transcript all high school credit awarded under division (G) of 22686
this section. In addition, if the student completed a seventh- 22687
or eighth-grade fine arts course described in division (K) of 22688
this section and the course qualified for high school credit 22689
under that division, the high school shall record that course on 22690
the student's high school transcript. 22691

(H) The department shall make its individual academic 22692
career plan available through its Ohio career information system 22693
web site for districts and schools to use as a tool for 22694
communicating with and providing guidance to students and 22695

families in selecting high school courses. 22696

(I) A school district or chartered nonpublic school may 22697
integrate academic content in a subject area for which the ~~state-~~ 22698
~~board-department~~ has adopted standards under section 3301.079 of 22699
the Revised Code into a course in a different subject area, 22700
including a career-technical education course, in accordance 22701
with guidance for integrated coursework developed by the 22702
department. Upon successful completion of an integrated course, 22703
a student may receive credit for both subject areas that were 22704
integrated into the course. Units earned for subject area 22705
content delivered through integrated academic and career- 22706
technical instruction are eligible to meet the graduation 22707
requirements of division (B) or (C) of this section. 22708

For purposes of meeting graduation requirements, if an 22709
end-of-course examination has been prescribed under section 22710
3301.0712 of the Revised Code for the subject area delivered 22711
through integrated instruction, the school district or school 22712
may administer the related subject area examinations upon the 22713
student's completion of the integrated course. 22714

Nothing in division (I) of this section shall be construed 22715
to excuse any school district, chartered nonpublic school, or 22716
student from any requirement in the Revised Code related to 22717
curriculum, assessments, or the awarding of a high school 22718
diploma. 22719

(J) (1) The ~~state board department~~, in consultation with 22720
the chancellor, shall adopt a statewide plan implementing 22721
methods for students to earn units of high school credit based 22722
on a demonstration of subject area competency, instead of or in 22723
combination with completing hours of classroom instruction. ~~The~~ 22724
~~state board shall adopt the plan not later than March 31, 2009,~~ 22725

~~and commence phasing in the plan during the 2009-2010 school-~~ 22726
~~year.~~ The plan shall include a standard method for recording 22727
demonstrated proficiency on high school transcripts. Each school 22728
district and community school shall comply with the ~~state-~~ 22729
~~board's department's~~ plan adopted under this division and award 22730
units of high school credit in accordance with the plan. The 22731
~~state board department~~ may adopt existing methods for earning 22732
high school credit based on a demonstration of subject area 22733
competency as necessary prior to the 2009-2010 school year. 22734

(2) ~~Not later than December 31, 2015, the state board~~ The 22735
department shall update the statewide plan adopted pursuant to 22736
division (J) (1) of this section to also include methods for 22737
students enrolled in seventh and eighth grade to meet curriculum 22738
requirements based on a demonstration of subject area 22739
competency, instead of or in combination with completing hours 22740
of classroom instruction. Beginning with the 2017-2018 school 22741
year, each school district and community school also shall 22742
comply with the updated plan adopted pursuant to this division 22743
and permit students enrolled in seventh and eighth grade to meet 22744
curriculum requirements based on subject area competency in 22745
accordance with the plan. 22746

(3) ~~Not later than December 31, 2017, the~~ The department 22747
shall develop a framework for school districts and community 22748
schools to use in granting units of high school credit to 22749
students who demonstrate subject area competency through work- 22750
based learning experiences, internships, or cooperative 22751
education. Beginning with the 2018-2019 school year, each 22752
district and community school shall comply with the framework. 22753
Each district and community school also shall review any policy 22754
it has adopted regarding the demonstration of subject area 22755
competency to identify ways to incorporate work-based learning 22756

experiences, internships, and cooperative education into the 22757
policy in order to increase student engagement and opportunities 22758
to earn units of high school credit. 22759

(K) This division does not apply to students who qualify 22760
for graduation from high school under division (D) or (F) of 22761
this section, or to students pursuing a career-technical 22762
instructional track as determined by the school district board 22763
of education or the chartered nonpublic school's governing 22764
authority. Nevertheless, the general assembly encourages such 22765
students to consider enrolling in a fine arts course as an 22766
elective. 22767

Beginning with students who enter ninth grade for the 22768
first time on or after July 1, 2010, each student enrolled in a 22769
public or chartered nonpublic high school shall complete two 22770
semesters or the equivalent of fine arts to graduate from high 22771
school. The coursework may be completed in any of grades seven 22772
to twelve. Each student who completes a fine arts course in 22773
grade seven or eight may elect to count that course toward the 22774
five units of electives required for graduation under division 22775
(C) (8) of this section, if the course satisfied the requirements 22776
of division (G) of this section. In that case, the high school 22777
shall award the student high school credit for the course and 22778
count the course toward the five units required under division 22779
(C) (8) of this section. If the course in grade seven or eight 22780
did not satisfy the requirements of division (G) of this 22781
section, the high school shall not award the student high school 22782
credit for the course but shall count the course toward the two 22783
semesters or the equivalent of fine arts required by this 22784
division. 22785

(L) Notwithstanding anything to the contrary in this 22786

section, the board of education of each school district and the 22787
governing authority of each chartered nonpublic school may adopt 22788
a policy to excuse from the high school physical education 22789
requirement each student who, during high school, has 22790
participated in interscholastic athletics, marching band, show 22791
choir, or cheerleading for at least two full seasons or in the 22792
junior reserve officer training corps for at least two full 22793
school years. If the board or authority adopts such a policy, 22794
the board or authority shall not require the student to complete 22795
any physical education course as a condition to graduate. 22796
However, the student shall be required to complete one-half 22797
unit, consisting of at least sixty hours of instruction, in 22798
another course of study. In the case of a student who has 22799
participated in the junior reserve officer training corps for at 22800
least two full school years, credit received for that 22801
participation may be used to satisfy the requirement to complete 22802
one-half unit in another course of study. 22803

(M) It is important that high school students learn and 22804
understand United States history and the governments of both the 22805
United States and the state of Ohio. Therefore, beginning with 22806
students who enter ninth grade for the first time on or after 22807
July 1, 2012, the study of American history and American 22808
government required by divisions (B)(6) and (C)(6) of this 22809
section shall include the study of all of the following 22810
documents: 22811

(1) The Declaration of Independence; 22812

(2) The Northwest Ordinance; 22813

(3) The Constitution of the United States with emphasis on 22814
the Bill of Rights; 22815

(4) The Ohio Constitution.	22816
The study of each of the documents prescribed in divisions	22817
(M) (1) to (4) of this section shall include study of that	22818
document in its original context.	22819
The study of American history and government required by	22820
divisions (B) (6) and (C) (6) of this section shall include the	22821
historical evidence of the role of documents such as the	22822
Federalist Papers and the Anti-Federalist Papers to firmly	22823
establish the historical background leading to the establishment	22824
of the provisions of the Constitution and Bill of Rights.	22825
(N) A student may apply one unit of instruction in	22826
computer science to satisfy one unit of mathematics or one unit	22827
of science under division (C) of this section as the student	22828
chooses, regardless of the field of certification of the teacher	22829
who teaches the course, so long as that teacher meets the	22830
licensure requirements prescribed by section 3319.236 of the	22831
Revised Code and, prior to teaching the course, completes a	22832
professional development program determined to be appropriate by	22833
the district board.	22834
If a student applies more than one computer science course	22835
to satisfy curriculum requirements under that division, the	22836
courses shall be sequential and progressively more difficult or	22837
cover different subject areas within computer science.	22838
Sec. 3313.605. (A) As used in this section:	22839
(1) "Civic responsibility" means the patriotic and ethical	22840
duties of all citizens to take an active role in society and to	22841
consider the interests and concerns of other individuals in the	22842
community.	22843
(2) "Volunteerism" means nonprofit activity in the United	22844

States, the benefits and limitations of nonprofit activities, 22845
and the presence and function of nonprofit civic and charitable 22846
organizations in the United States. 22847

(3) "Community service" means a service performed through 22848
educational institutions, government agencies, nonprofit 22849
organizations, social service agencies, and philanthropies and 22850
generally designed to provide direct experience with people or 22851
project planning, with the goal of improving the quality of life 22852
for the community. Such activities may include but are not 22853
limited to tutoring, literacy training, neighborhood 22854
improvement, encouraging interracial and multicultural 22855
understanding, promoting ideals of patriotism, increasing 22856
environmental safety, assisting the elderly or disabled, and 22857
providing mental health care, housing, drug abuse prevention 22858
programs, and other philanthropic programs, particularly for 22859
disadvantaged or low-income persons. 22860

(B) The board of education of each city, local, exempted 22861
village, and joint vocational school district, the governing 22862
authority of each community school established under Chapter 22863
3314. of the Revised Code, and the governing body of each STEM 22864
school established under Chapter 3326. of the Revised Code may 22865
include community service education in its educational program. 22866
A governing board of an educational service center, upon the 22867
request of a local school district board of education, may 22868
provide a community service education program for the local 22869
district pursuant to this section. If a board, governing 22870
authority, or governing body includes community service 22871
education in its education program, the board, governing 22872
authority, or governing body shall do both of the following: 22873

(1) Establish a community service advisory committee. The 22874

committee shall provide recommendations to the board, governing authority, or governing body regarding a community service plan for students and shall oversee and assist in the implementation of the plan adopted by the board, governing authority, or governing body under division (B) (2) of this section. Each board, governing authority, or governing body shall determine the membership and organization of its advisory committee and may designate an existing committee established for another purpose to serve as the community service advisory committee; however, each such committee shall include two or more students and shall include or consult with at least one person employed in the field of volunteer management who devotes at least fifty per cent of employment hours to coordinating volunteerism among community organizations. The committee members may include representatives of parents, teachers, administrators, other educational institutions, business, government, nonprofit organizations, veterans organizations, social service agencies, religious organizations, and philanthropies.

(2) Develop and implement a community service plan. To assist in establishing its plan, the board, governing authority, or governing body shall consult with and may contract with one or more local or regional organizations with experience in volunteer program development and management. Each community service plan adopted under this division shall be based upon the recommendations of the advisory committee and shall provide for all of the following:

(a) Education of students in the value of community service and its contributions to the history of this state and this nation;

(b) Identification of opportunities for students to

provide community service; 22905

(c) Encouragement of students to provide community 22906
service; 22907

(d) Integration of community service opportunities into 22908
the curriculum; 22909

(e) A community service instructional program for 22910
teachers, including strategies for the teaching of community 22911
service education, for the discovery of community service 22912
opportunities, and for the motivation of students to become 22913
involved in community service. 22914

Plans shall be reviewed periodically by the advisory 22915
committee and, if necessary, revised by the board, governing 22916
authority, or governing body at least once every five years. 22917

Plans shall provide for students to perform services under 22918
the plan that will not supplant the hiring of, result in the 22919
displacement of, or impair any existing employment contract of 22920
any particular employee of any private or governmental entity 22921
for which the services are performed. The plan shall provide for 22922
any entity utilizing a student to perform community service 22923
under the plan to verify to the board that the student does not 22924
supplant the hiring of, displace, or impair the employment 22925
contract of any particular employee of the entity. 22926

Upon adoption, a board, governing authority, or governing 22927
body shall submit a copy of its plan to the department of 22928
education and workforce. Each city and exempted village board of 22929
education and each governing board of a service center shall 22930
include a copy of its plan in any course of study adopted under 22931
section 3313.60 of the Revised Code that is required to be 22932
submitted for approval to the ~~state board~~ department for review. 22933

A joint vocational school district board of education shall 22934
submit a copy of its plan to the ~~state board~~ department for 22935
review when required to do so by the ~~state board~~ department. A 22936
local board shall forward its plan to the educational service 22937
center governing board for inclusion in the governing board's 22938
course of study. The department periodically shall review all 22939
plans and publish those plans that could serve as models for 22940
other school districts, educational service centers, community 22941
schools, or STEM schools. 22942

(C) Under this section, a board, governing authority, or 22943
governing body may only grant high school credit for a community 22944
service education course if approximately half of the course is 22945
devoted to classroom study of such matters as civic 22946
responsibility, the history of volunteerism, and community 22947
service training and approximately half of the course is devoted 22948
to community service. 22949

Each board, governing authority, or governing body shall 22950
determine which specific activities will serve to fulfill the 22951
required hours of community service. 22952

(D) The ~~superintendent of public instruction~~ department of 22953
education and workforce shall develop guidelines for the 22954
development and implementation of a rubric to evaluate and rate 22955
community service education projects for use by districts, 22956
governing authorities, and governing boards that adopt a 22957
community service education plan. 22958

(E) The ~~state superintendent~~ department shall adopt rules 22959
for granting a student special certification, special 22960
recognition on a diploma, or special notification in the 22961
student's record upon the student's successful completion of an 22962
approved community service project. 22963

The district board, governing authority, or governing body 22964
shall use a rubric developed in accordance with division (D) of 22965
this section to determine whether a community service project 22966
warrants recognition on a student's diploma under this division. 22967

Sec. 3313.608. (A) (1) Beginning with students who enter 22968
third grade in the school year that starts July 1, 2009, and 22969
until June 30, 2013, unless the student is excused under 22970
division (C) of section 3301.0711 of the Revised Code from 22971
taking the assessment described in this section, for any student 22972
who does not attain at least the equivalent level of achievement 22973
designated under division (A) (3) of section 3301.0710 of the 22974
Revised Code on the assessment prescribed under that section to 22975
measure skill in English language arts expected at the end of 22976
third grade, each school district, in accordance with the policy 22977
adopted under section 3313.609 of the Revised Code, shall do one 22978
of the following: 22979

(a) Promote the student to fourth grade if the student's 22980
principal and reading teacher agree that other evaluations of 22981
the student's skill in reading demonstrate that the student is 22982
academically prepared to be promoted to fourth grade; 22983

(b) Promote the student to fourth grade but provide the 22984
student with intensive intervention services in fourth grade; 22985

(c) Retain the student in third grade. 22986

(2) Beginning with students who enter third grade in the 22987
2013-2014 school year, unless the student is excused under 22988
division (C) of section 3301.0711 of the Revised Code from 22989
taking the assessment described in this section, no school 22990
district shall promote to fourth grade any student who does not 22991
attain at least the equivalent level of achievement designated 22992

under division (A) (3) of section 3301.0710 of the Revised Code	22993
on the assessment prescribed under that section to measure skill	22994
in English language arts expected at the end of third grade,	22995
unless one of the following applies:	22996
(a) The student is an English learner who has been	22997
enrolled in United States schools for less than three full	22998
school years and has had less than three years of instruction in	22999
an English as a second language program.	23000
(b) The student is a child with a disability entitled to	23001
special education and related services under Chapter 3323. of	23002
the Revised Code and the student's individualized education	23003
program exempts the student from retention under this division.	23004
(c) The student demonstrates an acceptable level of	23005
performance on an alternative standardized reading assessment as	23006
determined by the department of education <u>and workforce</u> .	23007
(d) All of the following apply:	23008
(i) The student is a child with a disability entitled to	23009
special education and related services under Chapter 3323. of	23010
the Revised Code.	23011
(ii) The student has taken the third grade English	23012
language arts achievement assessment prescribed under section	23013
3301.0710 of the Revised Code.	23014
(iii) The student's individualized education program or	23015
plan under section 504 of the "Rehabilitation Act of 1973," 87	23016
Stat. 355, 29 U.S.C. 794, as amended, shows that the student has	23017
received intensive remediation in reading for two school years	23018
but still demonstrates a deficiency in reading.	23019
(iv) The student previously was retained in any of grades	23020

kindergarten to three. 23021

(e) (i) The student received intensive remediation for 23022
reading for two school years but still demonstrates a deficiency 23023
in reading and was previously retained in any of grades 23024
kindergarten to three. 23025

(ii) A student who is promoted under division (A) (2) (e) (i) 23026
of this section shall continue to receive intensive reading 23027
instruction in grade four. The instruction shall include an 23028
altered instructional day that includes specialized diagnostic 23029
information and specific research-based reading strategies for 23030
the student that have been successful in improving reading among 23031
low-performing readers. 23032

(B) (1) Beginning in the 2012-2013 school year, to assist 23033
students in meeting the third grade guarantee established by 23034
this section, each school district board of education shall 23035
adopt policies and procedures with which it annually shall 23036
assess the reading skills of each student, except those students 23037
with significant cognitive disabilities or other disabilities as 23038
authorized by the department on a case-by-case basis, enrolled 23039
in kindergarten to third grade and shall identify students who 23040
are reading below their grade level. The reading skills 23041
assessment shall be completed by the thirtieth day of September 23042
for students in grades one to three, and by the twentieth day of 23043
instruction of the school year for students in kindergarten. 23044
Each district shall use the diagnostic assessment to measure 23045
reading ability for the appropriate grade level adopted under 23046
section 3301.079 of the Revised Code, or a comparable tool 23047
approved by the department of education and workforce, to 23048
identify such students. The policies and procedures shall 23049
require the students' classroom teachers to be involved in the 23050

assessment and the identification of students reading below 23051
grade level. The assessment may be administered electronically 23052
using live, two-way video and audio connections whereby the 23053
teacher administering the assessment may be in a separate 23054
location from the student. 23055

(2) For each student identified by the diagnostic 23056
assessment prescribed under this section as having reading 23057
skills below grade level, the district shall do both of the 23058
following: 23059

(a) Provide to the student's parent or guardian, in 23060
writing, all of the following: 23061

(i) Notification that the student has been identified as 23062
having a substantial deficiency in reading; 23063

(ii) A description of the current services that are 23064
provided to the student; 23065

(iii) A description of the proposed supplemental 23066
instructional services and supports that will be provided to the 23067
student that are designed to remediate the identified areas of 23068
reading deficiency; 23069

(iv) Notification that if the student attains a score in 23070
the range designated under division (A) (3) of section 3301.0710 23071
of the Revised Code on the assessment prescribed under that 23072
section to measure skill in English language arts expected at 23073
the end of third grade, the student shall be retained unless the 23074
student is exempt under division (A) of this section. The 23075
notification shall specify that the assessment under section 23076
3301.0710 of the Revised Code is not the sole determinant of 23077
promotion and that additional evaluations and assessments are 23078
available to the student to assist parents and the district in 23079

knowing when a student is reading at or above grade level and	23080
ready for promotion.	23081
(b) Provide intensive reading instruction services and	23082
regular diagnostic assessments to the student immediately	23083
following identification of a reading deficiency until the	23084
development of the reading improvement and monitoring plan	23085
required by division (C) of this section. These intervention	23086
services shall include research-based reading strategies that	23087
have been shown to be successful in improving reading among low-	23088
performing readers and instruction targeted at the student's	23089
identified reading deficiencies.	23090
(3) For each student retained under division (A) of this	23091
section, the district shall do all of the following:	23092
(a) Provide intense remediation services until the student	23093
is able to read at grade level. The remediation services shall	23094
include intensive interventions in reading that address the	23095
areas of deficiencies identified under this section including,	23096
but not limited to, not less than ninety minutes of reading	23097
instruction per day, and may include any of the following:	23098
(i) Small group instruction;	23099
(ii) Reduced teacher-student ratios;	23100
(iii) More frequent progress monitoring;	23101
(iv) Tutoring or mentoring;	23102
(v) Transition classes containing third and fourth grade	23103
students;	23104
(vi) Extended school day, week, or year;	23105
(vii) Summer reading camps.	23106

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;

(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education and workforce. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.

(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.

As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.

(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or

guardian and classroom teacher in developing the plan. The plan	23136
shall include all of the following:	23137
(1) Identification of the student's specific reading	23138
deficiencies;	23139
(2) A description of the additional instructional services	23140
and support that will be provided to the student to remediate	23141
the identified reading deficiencies;	23142
(3) Opportunities for the student's parent or guardian to	23143
be involved in the instructional services and support described	23144
in division (C) (2) of this section;	23145
(4) A process for monitoring the extent to which the	23146
student receives the instructional services and support	23147
described in division (C) (2) of this section;	23148
(5) A reading curriculum during regular school hours that	23149
does all of the following:	23150
(a) Assists students to read at grade level;	23151
(b) Provides scientifically based and reliable assessment;	23152
(c) Provides initial and ongoing analysis of each	23153
student's reading progress.	23154
(6) A statement that if the student does not attain at	23155
least the equivalent level of achievement designated under	23156
division (A) (3) of section 3301.0710 of the Revised Code on the	23157
assessment prescribed under that section to measure skill in	23158
English language arts expected by the end of third grade, the	23159
student may be retained in third grade.	23160
Each student with a reading improvement and monitoring	23161
plan under this division who enters third grade after July 1,	23162

2013, shall be assigned to a teacher who satisfies one or more 23163
of the criteria set forth in division (H) of this section. 23164

The district shall report any information requested by the 23165
department about the reading improvement monitoring plans 23166
developed under this division in the manner required by the 23167
department. 23168

(D) Each school district shall report annually to the 23169
department on its implementation and compliance with this 23170
section using guidelines prescribed by the ~~superintendent of~~ 23171
~~public instruction~~department. The ~~superintendent of public~~ 23172
~~instruction~~director of education and workforce annually shall 23173
report to the governor and general assembly the number and 23174
percentage of students in grades kindergarten through four 23175
reading below grade level based on the diagnostic assessments 23176
administered under division (B) of this section and the 23177
achievement assessments administered under divisions (A) (1) (a) 23178
and (b) of section 3301.0710 of the Revised Code in English 23179
language arts, aggregated by school district and building; the 23180
types of intervention services provided to students; and, if 23181
available, an evaluation of the efficacy of the intervention 23182
services provided. 23183

(E) Any summer remediation services funded in whole or in 23184
part by the state and offered by school districts to students 23185
under this section shall meet the following conditions: 23186

(1) The remediation methods are based on reliable 23187
educational research. 23188

(2) The school districts conduct assessment before and 23189
after students participate in the program to facilitate 23190
monitoring results of the remediation services. 23191

(3) The parents of participating students are involved in programming decisions.	23192 23193
(F) Any intervention or remediation services required by this section shall include intensive, explicit, and systematic instruction.	23194 23195 23196
(G) This section does not create a new cause of action or a substantive legal right for any person.	23197 23198
(H) (1) Except as provided under divisions (H) (2), (3), and (4) of this section, each student described in division (B) (3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, shall be assigned a teacher who has at least one year of teaching experience and who satisfies one or more of the following criteria:	23199 23200 23201 23202 23203 23204
(a) The teacher holds a reading endorsement on the teacher's license and has attained a passing score on the corresponding assessment for that endorsement, as applicable.	23205 23206 23207
(b) The teacher has completed a master's degree program with a major in reading.	23208 23209
(c) The teacher was rated "most effective" for reading instruction consecutively for the most recent two years based on assessments of student growth measures developed by a vendor and that is on the list of student assessments approved by the state board department under division (B) (2) of section 3319.112 of the Revised Code.	23210 23211 23212 23213 23214 23215
(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.	23216 23217 23218
(e) The teacher has earned a passing score on a rigorous	23219

test of principles of scientifically research-based reading 23220
instruction as approved by the ~~state board~~ department. 23221

(f) The teacher holds an educator license for teaching 23222
grades pre-kindergarten through three or four through nine 23223
issued on or after July 1, 2017. 23224

(2) Notwithstanding division (H) (1) of this section, a 23225
student described in division (B) (3) or (C) of this section who 23226
enters third grade for the first time on or after July 1, 2013, 23227
may be assigned to a teacher with less than one year of teaching 23228
experience provided that the teacher meets one or more of the 23229
criteria described in divisions (H) (1) (a) to (f) of this section 23230
and that teacher is assigned a teacher mentor who meets the 23231
qualifications of division (H) (1) of this section. 23232

(3) Notwithstanding division (H) (1) of this section, a 23233
student described in division (B) (3) or (C) of this section who 23234
enters third grade for the first time on or after July 1, 2013, 23235
but prior to July 1, 2016, may be assigned to a teacher who 23236
holds an alternative credential approved by the department or 23237
who has successfully completed training that is based on 23238
principles of scientifically research-based reading instruction 23239
that has been approved by the department. Beginning on July 1, 23240
2014, the alternative credentials and training described in 23241
division (H) (3) of this section shall be aligned with the 23242
reading competencies adopted by the state board of education 23243
under section 3301.077 of the Revised Code. 23244

(4) Notwithstanding division (H) (1) of this section, a 23245
student described in division (B) (3) or (C) of this section who 23246
enters third grade for the first time on or after July 1, 2013, 23247
may receive reading intervention or remediation services under 23248
this section from an individual employed as a speech-language 23249

pathologist who holds a license issued by the state speech and 23250
hearing professionals board under Chapter 4753. of the Revised 23251
Code and a ~~professional pupil services license as a school-~~ 23252
~~speech language pathologist issued by the state board of~~ 23253
~~education~~ registration under section 3319.221 of the Revised 23254
Code. 23255

(5) A teacher, other than a student's teacher of record, 23256
may provide any services required under this section, so long as 23257
that other teacher meets the requirements of division (H) of 23258
this section and the teacher of record and the school principal 23259
agree to the assignment. Any such assignment shall be documented 23260
in the student's reading improvement and monitoring plan. 23261

As used in this division, "teacher of record" means the 23262
classroom teacher to whom a student is assigned. 23263

(I) Notwithstanding division (H) of this section, a 23264
teacher may teach reading to any student who is an English 23265
language learner, and has been in the United States for three 23266
years or less, or to a student who has an individualized 23267
education program developed under Chapter 3323. of the Revised 23268
Code if that teacher holds an alternative credential approved by 23269
the department or has successfully completed training that is 23270
based on principles of scientifically research-based reading 23271
instruction that has been approved by the department. Beginning 23272
on July 1, 2014, the alternative credentials and training 23273
described in this division shall be aligned with the reading 23274
competencies adopted by the state board of education under 23275
section 3301.077 of the Revised Code. 23276

(J) If, on or after June 4, 2013, a school district or 23277
community school cannot furnish the number of teachers needed 23278
who satisfy one or more of the criteria set forth in division 23279

(H) of this section for the 2013-2014 school year, the school 23280
district or community school shall develop and submit a staffing 23281
plan by June 30, 2013. The staffing plan shall include criteria 23282
that will be used to assign a student described in division (B) 23283
(3) or (C) of this section to a teacher, credentials or training 23284
held by teachers currently teaching at the school, and how the 23285
school district or community school will meet the requirements 23286
of this section. The school district or community school shall 23287
post the staffing plan on its web site for the applicable school 23288
year. 23289

Not later than March 1, 2014, and on the first day of 23290
March in each year thereafter, a school district or community 23291
school that has submitted a plan under this division shall 23292
submit to the department a detailed report of the progress the 23293
district or school has made in meeting the requirements under 23294
this section. 23295

A school district or community school may request an 23296
extension of a staffing plan beyond the 2013-2014 school year. 23297
Extension requests must be submitted to the department not later 23298
than the thirtieth day of April prior to the start of the 23299
applicable school year. The department may grant extensions 23300
valid through the 2015-2016 school year. 23301

~~Until June 30, 2015, the department annually shall review 23302
all staffing plans and report to the state board not later than 23303
the thirtieth day of June of each year the progress of school 23304
districts and community schools in meeting the requirements of 23305
this section. 23306~~

(K) The department of education and workforce shall 23307
designate one or more staff members to provide guidance and 23308
assistance to school districts and community schools in 23309

implementing the third grade guarantee established by this 23310
section, including any standards or requirements adopted to 23311
implement the guarantee and to provide information and support 23312
for reading instruction and achievement. 23313

Sec. 3313.6011. (A) As used in this section, "sexual 23314
activity" has the same meaning as in section 2907.01 of the 23315
Revised Code. 23316

(B) Instruction in venereal disease education pursuant to 23317
division (A) (5) (c) of section 3313.60 of the Revised Code shall 23318
emphasize that abstinence from sexual activity is the only 23319
protection that is one hundred per cent effective against 23320
unwanted pregnancy, sexually transmitted disease, and the sexual 23321
transmission of a virus that causes acquired immunodeficiency 23322
syndrome. 23323

(C) (1) The department of education and workforce shall 23324
require course material and instruction in venereal disease 23325
education courses taught pursuant to division (A) (5) (c) of 23326
section 3313.60 of the Revised Code to do all of the following: 23327

(a) Stress that students should abstain from sexual 23328
activity until after marriage; 23329

(b) Teach the potential physical, psychological, 23330
emotional, and social side effects of participating in sexual 23331
activity outside of marriage; 23332

(c) Teach that conceiving children out of wedlock is 23333
likely to have harmful consequences for the child, the child's 23334
parents, and society; 23335

(d) Stress that sexually transmitted diseases are serious 23336
possible hazards of sexual activity; 23337

(e) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock; 23338
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(f) Advise students of the circumstances under which it is criminal to have sexual contact with a person under the age of sixteen pursuant to section 2907.04 of the Revised Code; 23341
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(g) Emphasize adoption as an option for unintended pregnancies. 23344
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(2) If a school district or school chooses to offer additional instruction in venereal disease or sexual education not specified in division (C)(1) of this section, the district or school shall notify all parents or guardians of that instruction, including the name of any instructor, vendor name, if applicable, and the name of the curriculum being used. No district or school shall offer that instruction to a student unless that student's parent or guardian has submitted written permission for that student to receive that instruction. 23346
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(3) Upon request, a school district or school shall provide any materials associated with the instruction offered under divisions (C)(1) and (2) of this section to a parent or guardian. 23357
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(D) The ~~state board of education department~~ shall not adopt a separate model education program for health education. 23361
23362

(E) The department shall conduct an annual audit of each city, local, and exempted village school district, at the start of each school year, relative to its compliance with the instruction requirements of this section and division (A)(5)(c) 23363
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23366

of section 3313.60 of the Revised Code. The department shall 23367
publish the findings of each audit not later than one hundred 23368
twenty days after the start of the school year. The department 23369
shall include in the findings of each audit the name of any 23370
organization or program that provided materials to a school 23371
district regarding venereal disease instruction. The 23372
department's findings shall be prominently posted on its web 23373
site. 23374

(F) The ~~superintendent of public instruction~~ director of 23375
education and workforce shall not approve, pursuant to section 23376
3302.07 of the Revised Code, any waiver of any requirement of 23377
this section. 23378

Sec. 3313.6013. (A) As used in this section, "advanced 23379
standing program" means a program that enables a student to earn 23380
credit toward a degree from an institution of higher education 23381
while enrolled in high school or that enables a student to 23382
complete coursework while enrolled in high school that may earn 23383
credit toward a degree from an institution of higher education 23384
upon the student's attainment of a specified score on an 23385
examination covering the coursework. Advanced standing programs 23386
may include any of the following: 23387

(1) The college credit plus program established under 23388
Chapter 3365. of the Revised Code; 23389

(2) Advanced placement courses; 23390

(3) International baccalaureate diploma courses; 23391

(4) Early college high school programs. 23392

(B) Each city, local, exempted village, and joint 23393
vocational school district and each chartered nonpublic high 23394
school shall provide students enrolled in grades nine through 23395

twelve with the opportunity to participate in an advanced 23396
standing program. For this purpose, each school district and 23397
chartered nonpublic high school shall offer at least one 23398
advanced standing program in accordance with division (B) (1) or 23399
(2) of this section, as applicable. 23400

(1) A city, local, or exempted village school district 23401
meets the requirements of this division through its mandatory 23402
participation in the college credit plus program established 23403
under Chapter 3365. of the Revised Code. However, a city, local, 23404
or exempted village school district may offer any other advanced 23405
standing program, in addition to the college credit plus 23406
program, and each joint vocational school district shall offer 23407
at least one other advanced standing program, to students in 23408
good standing, as defined by the partnership for continued 23409
learning under section 3301.42 of the Revised Code as it existed 23410
prior to October 16, 2009, or as subsequently defined by the 23411
department of education and workforce. 23412

(2) A chartered nonpublic high school that elects to 23413
participate in the college credit plus program established under 23414
Chapter 3365. of the Revised Code meets the requirements of this 23415
division. Each chartered nonpublic high school that elects not 23416
to participate in the college credit plus program instead shall 23417
offer at least one other advanced standing program to students 23418
in good standing, as defined by the partnership for continued 23419
learning under section 3301.42 of the Revised Code as it existed 23420
prior to October 16, 2009, or as subsequently defined by the 23421
department of education and workforce. 23422

(C) Each school district and each chartered nonpublic high 23423
school, at least annually, shall provide information about the 23424
advanced standing programs offered by the district or school to 23425

all students enrolled in grades six through eleven. The district or school shall include information about all of the following:

(1) The process colleges and universities use in awarding credit for advanced placement and international baccalaureate courses and examinations, including minimum scores required by state institutions of higher education, as defined in section 3345.011 of the Revised Code, for a student to receive college credit;

(2) The availability of tuition and fee waivers for advanced placement and international baccalaureate courses and examinations;

(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost;

(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses;

(5) The availability of advanced placement or international baccalaureate courses offered throughout the district.

The district or school may include additional information as determined appropriate by the district or school.

(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay the costs associated with taking an advanced placement or international baccalaureate examination.

(E) Any agreement between a school district or school and an associated college governing the operation of an early college high school program shall be exempt from the requirements of the college credit plus program, provided the program meets the definition set forth in division (F) (2) of this section and is approved by the ~~superintendent of public instruction~~ director of education and workforce and the chancellor of higher education.

The college credit plus program also shall not govern any advanced placement course or international baccalaureate diploma course as described under this section.

(F) As used in this section:

(1) "Associated college" means a public or private college, as defined in section 3365.01 of the Revised Code, which has entered into an agreement with a school district or school to establish an early college high school program, as described in division (F) (2) of this section, and awards transcribed credit, as defined in section 3365.01 of the Revised Code, to students through that program.

(2) "Early college high school program" means a partnership between at least one school district or school and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and have the opportunity to earn not less than twenty-four credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a post-secondary degree or credential at no cost to the participant or participant's family. The program also shall prioritize the following students:

(a) Students who are underrepresented in regard to 23484
completing post-secondary education; 23485

(b) Students who are economically disadvantaged, as 23486
defined by the department of education and workforce; 23487

(c) Students whose parents did not earn a college degree. 23488

Sec. 3313.6015. The board of education of each city, 23489
exempted village, and local school district shall adopt a 23490
resolution describing how the district will address college and 23491
career readiness and financial literacy in its curriculum for 23492
grade seven or eight and for any other grades in which the board 23493
determines that those subjects should be addressed. The board 23494
shall submit a copy of the resolution to the department of 23495
education and workforce. 23496

Sec. 3313.6016. (A) ~~Beginning in the 2011-2012 school~~ 23497
~~year, the~~ The department of education and workforce shall 23498
administer a pilot program requiring daily physical activity for 23499
students. Any school district; community school established 23500
under Chapter 3314. of the Revised Code; science, technology, 23501
engineering, and mathematics school established under Chapter 23502
3326. of the Revised Code; or chartered nonpublic school 23503
annually may elect to participate in the pilot program by 23504
notifying the department of its interest by a date established 23505
by the department. If a school district elects to participate in 23506
the pilot program, the district shall select one or more school 23507
buildings to participate in the program. To the maximum extent 23508
possible, the department shall seek to include in the pilot 23509
program districts and schools that are located in urban, 23510
suburban, and rural areas distributed geographically throughout 23511
the state. The department shall administer the pilot program in 23512
accordance with this section. 23513

(B) Except as provided in division (C) of this section, 23514
each district or school participating in the pilot program shall 23515
require all students in the school building selected under 23516
division (A) of this section to engage in at least thirty 23517
minutes of moderate to rigorous physical activity each school 23518
day or at least one hundred fifty minutes of moderate to 23519
rigorous physical activity each week, exclusive of recess. 23520
Physical activity engaged in during the following may count 23521
toward the daily requirement: 23522

(1) A physical education course; 23523

(2) A program or activity occurring before or after the 23524
regular school day, as defined in section 3313.814 of the 23525
Revised Code, that is sponsored or approved by the school of 23526
attendance, provided school officials are able to monitor 23527
students' participation to ensure compliance with the 23528
requirement. 23529

(C) None of the following shall be subject to the 23530
requirement of division (B) of this section: 23531

(1) Any student enrolled in the college credit plus 23532
program established under Chapter 3365. of the Revised Code; 23533

(2) Any student enrolled in a career-technical education 23534
program operated by the district or school; 23535

(3) Any student enrolled in a dropout prevention and 23536
recovery program operated by the district or school. 23537

(D) For any period in which a student is participating in 23538
interscholastic athletics, marching band, cheerleading, or a 23539
junior reserve officer training corps program, the district or 23540
school may excuse the student from the requirement of division 23541
(B) of this section. 23542

(E) The district or school may excuse any kindergarten student who is not enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code, from the requirement of division (B) of this section.

(F) Each district or school annually shall report to the department, in the manner prescribed by the department, how the district or school implemented the thirty minutes of daily physical activity and the financial costs of implementation. The department shall issue an annual report of the data collected under this division.

Sec. 3313.6019. (A) Not later than December 31, 2013, the department of education and workforce shall issue a report with recommendations for quality agricultural education programs. These recommendations shall be developed using both of the following:

(1) The standards for exemplary agricultural education that are described in the national quality program standards for secondary (grades 9-12) agricultural education developed by the national council for agricultural education or a successor document developed by the national council for agricultural education or its successor;

(2) The quality program standards for Ohio's agricultural and environmental systems career field programs or a successor document developed by the department, the Ohio association of agricultural educators, the Ohio state university, and wilmingon college of Ohio.

The report shall include the appropriate use of extended programming in agricultural education programs and the recommended number of hours outside the normal school day that

licensed educators may be permitted to provide extended programming instruction. Following the initial issuance of the report, the department may periodically review and update the report as it considers necessary.

(B) All agricultural education instructors shall utilize a three-part model of agricultural education instruction of classroom instruction, FFA activities, and extended programming projects.

(C) Professional development associated with agricultural education shall be considered an acceptable use of extended student programming funds.

(D) All agricultural education instructors shall submit a monthly time log to the principal of the school at which the extended programming is offered, or the principal's designee, for review.

Sec. 3313.6020. (A) (1) Beginning in the 2015-2016 school year, the board of education of each city, local, exempted village, and joint vocational school district shall adopt a policy on career advising that complies with this section. Thereafter, the policy shall be updated at least once every two years.

(2) The board shall make the policy publicly available to students, parents, guardians, or custodians, local post-secondary institutions, and residents of the district. The district shall post the policy in a prominent location on its web site, if it has one.

(B) The policy on career advising shall specify how the district will do all of the following:

(1) Provide students with grade-level examples that link

their schoolwork to one or more career fields. A district may 23601
use career connections developed under division (B) (2) of 23602
section 3301.079 of the Revised Code for this purpose. 23603

(2) Create a plan to provide career advising to students 23604
in grades six through twelve; 23605

(3) Beginning in the 2015-2016 school year, provide 23606
additional interventions and career advising for students who 23607
are identified as at risk of dropping out of school in 23608
accordance with division (C) of this section; 23609

(4) Train its employees on how to advise students on 23610
career pathways, including training on advising students using 23611
online tools; 23612

(5) Develop multiple, clear academic pathways through high 23613
school that students may choose in order to earn a high school 23614
diploma; 23615

(6) Identify and publicize courses that can award students 23616
both traditional academic and career-technical credit; 23617

(7) Document the career advising provided to each student 23618
for review by the student, the student's parent, guardian, or 23619
custodian, and future schools that the student may attend. A 23620
district shall not otherwise release this information without 23621
the written consent of the student's parent, guardian, or 23622
custodian, if the student is less than eighteen years old, or 23623
the written consent of the student, if the student is at least 23624
eighteen years old. 23625

(8) Prepare students for their transition from high school 23626
to their post-secondary destinations, including any special 23627
interventions that are necessary for students in need of 23628
remediation in mathematics or English language arts; 23629

(9) Include information regarding career fields that require an industry-recognized credential, certificate, associate's degree, bachelor's degree, graduate degree, or professional degree;	23630 23631 23632 23633
(10) Provide students with information about ways a student may offset the costs of a post-secondary education, including programs such as all of the following:	23634 23635 23636
(a) The reserve officer training corps;	23637
(b) The college credit plus program established under Chapter 3365. of the Revised Code;	23638 23639
(c) The Ohio guaranteed transfer pathways initiative established under section 3333.168 of the Revised Code;	23640 23641
(d) Joint academic programming or dual enrollment opportunities required under section 3333.168 of the Revised Code.	23642 23643 23644
The chancellor of higher education shall develop informational materials that illustrate cost saving estimates for each of the options listed under division (B) (10) of this section. The chancellor shall develop a list of individual college courses that are transferable under section 3333.16 of the Revised Code.	23645 23646 23647 23648 23649 23650
(C) (1) Beginning in the 2015-2016 school year, each district shall identify students who are at risk of dropping out of school using a method that is both research-based and locally-based and that is developed with input from the district's classroom teachers and guidance counselors. If a student is identified as at risk of dropping out of school, the district shall develop a student success plan that addresses the student's academic pathway to a successful graduation and the	23651 23652 23653 23654 23655 23656 23657 23658

role of career-technical education, competency-based education, 23659
and experiential learning, as appropriate, in that pathway. 23660

(2) Prior to developing a student success plan for a 23661
student, the district shall invite the student's parent, 23662
guardian, or custodian to assist in developing the plan. If the 23663
student's parent, guardian, or custodian does not participate in 23664
the development of the plan, the district shall provide to the 23665
parent, guardian, or custodian a copy of the student's success 23666
plan and a statement of the importance of a high school diploma 23667
and the academic pathways available to the student in order to 23668
successfully graduate. 23669

(3) Following the development of a student success plan 23670
for a student, the district shall provide career advising to the 23671
student that is aligned with the plan and, beginning in the 23672
2015-2016 school year, the district's plan to provide career 23673
advising created under division (B) (2) of this section. 23674

(D) (1) ~~Not later than December 1, 2014, the~~ The department 23675
of education and workforce shall develop and post on its web 23676
site model policies on career advising and model student success 23677
plans. 23678

(2) ~~Not later than July 1, 2015, the~~ The department shall 23679
create an online clearinghouse of research related to proven 23680
practices for policies on career advising and student success 23681
plans that districts may access when fulfilling the requirements 23682
of this section. 23683

(3) The department shall develop and make available 23684
informational materials for students in grades seven and eight 23685
about career opportunities available to them, including in- 23686
demand jobs as defined in section 3333.94 of the Revised Code, 23687

and how a career-technical education may help them satisfy 23688
graduation conditions under section 3313.618 of the Revised 23689
Code. 23690

Sec. 3313.6024. (A) ~~Annually, beginning in the 2019-2020~~ 23691
~~school year,~~ each school district shall report to the department 23692
of education and workforce, in the manner prescribed by the 23693
department, the types of prevention-focused programs, services, 23694
and supports used to assist students in developing the knowledge 23695
and skills to engage in healthy behaviors and decision-making 23696
and to increase their awareness of the dangers and consequences 23697
of risky behaviors, including substance abuse, suicide, 23698
bullying, and other harmful behaviors. The district shall report 23699
the following information regarding such programs, services, and 23700
supports for each building operated by the district and for each 23701
of grades kindergarten through twelve served by the building: 23702

(1) Curriculum and instruction provided during the school 23703
day; 23704

(2) Programs and supports provided outside of the 23705
classroom or outside of the school day; 23706

(3) Professional development for teachers, administrators, 23707
and other staff; 23708

(4) Partnerships with community coalitions and 23709
organizations to provide prevention services and resources to 23710
students and their families; 23711

(5) School efforts to engage parents and the community; 23712

(6) Activities designed to communicate with and learn from 23713
other schools or professionals with expertise in prevention 23714
education. 23715

(B) The department may use information reported under this section, and any other information collected by the department pursuant to law, as a factor in the distribution of any funding available for prevention-focused programs, services, and supports.

Sec. 3313.6027. Subject to divisions (D) to (F) of section 3313.603 of the Revised Code, this section applies to students who enter ninth grade for the first time on or after July 1, 2010, but prior to July 1, 2022.

For students to whom this section applies, each school district and chartered nonpublic school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the ~~state board~~ department of education and workforce under division (A) (1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A) (2) of that section, into one or more existing social studies credits required under division (C) (7) of section 3313.603 of the Revised Code, or into the content of another class, so that every high school student receives instruction in those concepts.

Sec. 3313.61. (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply:

(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no

school district shall require a student to remain in school for 23746
any specific number of semesters or other terms if the student 23747
completes the required curriculum early; 23748

(2) Subject to section 3313.614 of the Revised Code, the 23749
person has met the assessment requirements of division (A) (2) (a) 23750
or (b) of this section, as applicable. 23751

(a) If the person entered the ninth grade prior to July 1, 23752
2014, the person either: 23753

(i) Has attained at least the applicable scores designated 23754
under division (B) (1) of section 3301.0710 of the Revised Code 23755
on all the assessments required by that division unless the 23756
person was excused from taking any such assessment pursuant to 23757
section 3313.532 of the Revised Code or unless division (H) or 23758
(L) of this section applies to the person; 23759

(ii) Has satisfied the alternative conditions prescribed 23760
in section 3313.615 of the Revised Code. 23761

(b) If the person entered the ninth grade on or after July 23762
1, 2014, the person has met the requirement prescribed by 23763
section 3313.618 of the Revised Code, except to the extent that 23764
the person is excused from an assessment prescribed by that 23765
section pursuant to section 3313.532 of the Revised Code or 23766
division (H) or (L) of this section. 23767

(3) The person is not eligible to receive an honors 23768
diploma granted pursuant to division (B) of this section. 23769

Except as provided in divisions (C), (E), (J), and (L) of 23770
this section, no diploma shall be granted under this division to 23771
anyone except as provided under this division. 23772

(B) In lieu of a diploma granted under division (A) of 23773

this section, an honors diploma shall be granted, in accordance 23774
with rules of the ~~state board~~ department of education and 23775
workforce, by any such district board to anyone who accomplishes 23776
all of the following: 23777

(1) Successfully completes the curriculum in any high 23778
school or the individualized education program developed for the 23779
person by any high school pursuant to section 3323.08 of the 23780
Revised Code; 23781

(2) Subject to section 3313.614 of the Revised Code, has 23782
met the assessment requirements of division (B) (2) (a) or (b) of 23783
this section, as applicable. 23784

(a) If the person entered the ninth grade prior to July 1, 23785
2014, the person either: 23786

(i) Has attained at least the applicable scores designated 23787
under division (B) (1) of section 3301.0710 of the Revised Code 23788
on all the assessments required by that division; 23789

(ii) Has satisfied the alternative conditions prescribed 23790
in section 3313.615 of the Revised Code. 23791

(b) If the person entered the ninth grade on or after July 23792
1, 2014, the person has met the requirement prescribed under 23793
section 3313.618 of the Revised Code. 23794

(3) Has met additional criteria established by the ~~state-~~ 23795
~~board-~~ department for the granting of such a diploma. 23796

An honors diploma shall not be granted to a student who is 23797
subject to the requirements prescribed in division (C) of 23798
section 3313.603 of the Revised Code but elects the option of 23799
division (D) or (F) of that section. Except as provided in 23800
divisions (C), (E), and (J) of this section, no honors diploma 23801

shall be granted to anyone failing to comply with this division 23802
and no more than one honors diploma shall be granted to any 23803
student under this division. 23804

The ~~state board~~ department shall adopt rules prescribing 23805
the granting of honors diplomas under this division. These rules 23806
may prescribe the granting of honors diplomas that recognize a 23807
student's achievement as a whole or that recognize a student's 23808
achievement in one or more specific subjects or both. The rules 23809
may prescribe the granting of an honors diploma recognizing 23810
technical expertise for a career-technical student. In any case, 23811
the rules shall designate two or more criteria for the granting 23812
of each type of honors diploma the board establishes under this 23813
division and the number of such criteria that must be met for 23814
the granting of that type of diploma. The number of such 23815
criteria for any type of honors diploma shall be at least one 23816
less than the total number of criteria designated for that type 23817
and no one or more particular criteria shall be required of all 23818
persons who are to be granted that type of diploma. 23819

(C) Any district board administering any of the 23820
assessments required by section 3301.0710 of the Revised Code to 23821
any person requesting to take such assessment pursuant to 23822
division (B) (8) (b) of section 3301.0711 of the Revised Code 23823
shall award a diploma to such person if the person attains at 23824
least the applicable scores designated under division (B) (1) of 23825
section 3301.0710 of the Revised Code on all the assessments 23826
administered and if the person has previously attained the 23827
applicable scores on all the other assessments required by 23828
division (B) (1) of that section or has been exempted or excused 23829
from attaining the applicable score on any such assessment 23830
pursuant to division (H) or (L) of this section or from taking 23831
any such assessment pursuant to section 3313.532 of the Revised 23832

Code. 23833

(D) Each diploma awarded under this section shall be 23834
signed by the president and treasurer of the issuing board, the 23835
superintendent of schools, and the principal of the high school. 23836
Each diploma shall bear the date of its issue, be in such form 23837
as the district board prescribes, and be paid for out of the 23838
district's general fund. 23839

(E) A person who is a resident of Ohio and is eligible 23840
under ~~state board of education~~ the minimum standards of the 23841
director of education and workforce to receive a high school 23842
diploma based in whole or in part on credits earned while an 23843
inmate of a correctional institution operated by the state or 23844
any political subdivision thereof, shall be granted such diploma 23845
by the correctional institution operating the programs in which 23846
such credits were earned, and by the board of education of the 23847
school district in which the inmate resided immediately prior to 23848
the inmate's placement in the institution. The diploma granted 23849
by the correctional institution shall be signed by the director 23850
of the institution, and by the person serving as principal of 23851
the institution's high school and shall bear the date of issue. 23852

(F) Persons who are not residents of Ohio but who are 23853
inmates of correctional institutions operated by the state or 23854
any political subdivision thereof, and who are eligible under 23855
~~state board of education~~ the minimum standards of the director 23856
to receive a high school diploma based in whole or in part on 23857
credits earned while an inmate of the correctional institution, 23858
shall be granted a diploma by the correctional institution 23859
offering the program in which the credits were earned. The 23860
diploma granted by the correctional institution shall be signed 23861
by the director of the institution and by the person serving as 23862

principal of the institution's high school and shall bear the 23863
date of issue. 23864

(G) The ~~state board of education~~ department shall provide 23865
by rule for the administration of the assessments required by 23866
sections 3301.0710 and 3301.0712 of the Revised Code to inmates 23867
of correctional institutions. 23868

(H) Any person to whom all of the following apply shall be 23869
exempted from attaining the applicable score on the assessment 23870
in social studies designated under division (B)(1) of section 23871
3301.0710 of the Revised Code, any American history end-of- 23872
course examination and any American government end-of-course 23873
examination required under division (B) of section 3301.0712 of 23874
the Revised Code if such an exemption is prescribed by rule of 23875
the ~~state board~~ department under division (D)(3) of section 23876
3301.0712 of the Revised Code, or the test in citizenship 23877
designated under former division (B) of section 3301.0710 of the 23878
Revised Code as it existed prior to September 11, 2001: 23879

(1) The person is not a citizen of the United States; 23880

(2) The person is not a permanent resident of the United 23881
States; 23882

(3) The person indicates no intention to reside in the 23883
United States after the completion of high school. 23884

(I) Notwithstanding division (D) of section 3311.19 and 23885
division (D) of section 3311.52 of the Revised Code, this 23886
section and section 3313.611 of the Revised Code do not apply to 23887
the board of education of any joint vocational school district 23888
or any cooperative education school district established 23889
pursuant to divisions (A) to (C) of section 3311.52 of the 23890
Revised Code. 23891

(J) Upon receipt of a notice under division (D) of section 23892
3325.08 or division (D) of section 3328.25 of the Revised Code 23893
that a student has received a diploma under either section, the 23894
board of education receiving the notice may grant a high school 23895
diploma under this section to the student, except that such 23896
board shall grant the student a diploma if the student meets the 23897
graduation requirements that the student would otherwise have 23898
had to meet to receive a diploma from the district. The diploma 23899
granted under this section shall be of the same type the notice 23900
indicates the student received under section 3325.08 or 3328.25 23901
of the Revised Code. 23902

(K) As used in this division, "English learner" has the 23903
same meaning as in division (C) (3) of section 3301.0711 of the 23904
Revised Code. 23905

Notwithstanding division (C) (3) of section 3301.0711 of 23906
the Revised Code, no English learner who has not either attained 23907
the applicable scores designated under division (B) (1) of 23908
section 3301.0710 of the Revised Code on all the assessments 23909
required by that division, or met the requirement prescribed by 23910
section 3313.618 of the Revised Code, shall be awarded a diploma 23911
under this section. 23912

(L) (1) Any student described by division (A) (1) of this 23913
section who is subject to divisions (A) (1) to (3) of section 23914
3313.618 of the Revised Code may be awarded a diploma without 23915
meeting the requirements prescribed by those divisions provided 23916
an individualized education program specifically exempts the 23917
student from meeting such requirement. This division does not 23918
negate the requirement for a student to take the assessments 23919
prescribed by section 3301.0710 or under division (B) of section 23920
3301.0712 of the Revised Code, or alternate assessments required 23921

by division (C) (1) of section 3301.0711 of the Revised Code, for 23922
the purpose of assessing student progress as required by federal 23923
law. 23924

(2) Any student described by division (A) (1) of this 23925
section who is subject to division (B) of section 3313.618 of 23926
the Revised Code may be awarded a diploma without meeting the 23927
requirement prescribed by division (B) (1) of that section 23928
provided the student's individualized education program 23929
specifically exempts the student from meeting that requirement 23930
and either division (L) (2) (a) or (b) of this section applies to 23931
the student, as follows: 23932

(a) (i) The student took an alternate assessment in 23933
mathematics and English language arts administered to the 23934
student in accordance with division (C) (1) of section 3301.0711 23935
of the Revised Code and failed to attain a score established by 23936
the ~~state board~~ department on one or both assessments. 23937

(ii) The school district offered remedial support to the 23938
student in each subject area in which the student did not attain 23939
the established score and the student received that support. 23940

(iii) The student retook each alternate assessment in 23941
which the student did not attain the established score and the 23942
student did not attain the established score on the retake 23943
assessment. 23944

(b) (i) The student took the Algebra I and English language 23945
arts II end-of-course examinations and failed to attain the 23946
competency score as determined under division (B) (10) of section 23947
3301.0712 of the Revised Code on one or both examinations. 23948

(ii) The school district offered remedial support to the 23949
student in each subject area in which the student did not attain 23950

the competency score and the student received that support. 23951

(iii) The student retook each examination in which the 23952
student did not attain the competency score and the student did 23953
not attain the competency score on the retake examination. 23954

Sec. 3313.611. (A) The ~~state board~~ department of education 23955
and workforce shall adopt, by rule, standards for awarding high 23956
school credit equivalent to credit for completion of high school 23957
academic and vocational education courses to applicants for 23958
diplomas under this section. The standards may permit high 23959
school credit to be granted to an applicant for any of the 23960
following: 23961

(1) Work experiences or experiences as a volunteer; 23962

(2) Completion of academic, vocational, or self- 23963
improvement courses offered to persons over the age of twenty- 23964
one by a chartered public or nonpublic school; 23965

(3) Completion of academic, vocational, or self- 23966
improvement courses offered by an organization, individual, or 23967
educational institution other than a chartered public or 23968
nonpublic school; 23969

(4) Other life experiences considered by the board to 23970
provide knowledge and learning experiences comparable to that 23971
gained in a classroom setting. 23972

(B) The board of education of any city, exempted village, 23973
or local school district that operates a high school shall grant 23974
a diploma of adult education to any applicant if all of the 23975
following apply: 23976

(1) The applicant is a resident of the district; 23977

(2) The applicant is over the age of twenty-one and has 23978

not been issued a diploma as provided in section 3313.61 of the Revised Code; 23979
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(3) Subject to section 3313.614 of the Revised Code, the applicant has met the assessment requirements of division (B) (3) (a) or (b) of this section, as applicable. 23981
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(a) Prior to July 1, 2014, the applicant either: 23984

(i) Has attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all of the assessments required by that division or was excused or exempted from any such assessment pursuant to section 3313.532 or was exempted from attaining the applicable score on any such assessment pursuant to division (H) or (L) of section 3313.61 of the Revised Code; 23985
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(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 23992
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(b) On or after July 1, 2014, has met the requirement prescribed by section 3313.618 of the Revised Code, except and only to the extent that the applicant is excused from some portion of that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of section 3313.61 of the Revised Code. 23994
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(4) The district board determines, in accordance with the standards adopted under division (A) of this section, that the applicant has attained sufficient high school credits, including equivalent credits awarded under such standards, to qualify as having successfully completed the curriculum required by the district for graduation. 24000
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(C) If a district board determines that an applicant is not eligible for a diploma under division (B) of this section, 24006
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it shall inform the applicant of the reason the applicant is 24008
ineligible and shall provide a list of any courses required for 24009
the diploma for which the applicant has not received credit. An 24010
applicant may reapply for a diploma under this section at any 24011
time. 24012

(D) If a district board awards an adult education diploma 24013
under this section, the president and treasurer of the board and 24014
the superintendent of schools shall sign it. Each diploma shall 24015
bear the date of its issuance, be in such form as the district 24016
board prescribes, and be paid for from the district's general 24017
fund, except that the ~~state board~~ department may by rule 24018
prescribe standard language to be included on each diploma. 24019

(E) As used in this division, "English learner" has the 24020
same meaning as in division (C) (3) of section 3301.0711 of the 24021
Revised Code. 24022

Notwithstanding division (C) (3) of section 3301.0711 of 24023
the Revised Code, no English learner who has not either attained 24024
the applicable scores designated under division (B) (1) of 24025
section 3301.0710 of the Revised Code on all the assessments 24026
required by that division, or has not met the requirement 24027
prescribed by section 3313.618 of the Revised Code, shall be 24028
awarded a diploma under this section. 24029

Sec. 3313.612. (A) No nonpublic school chartered by the 24030
~~state board~~ director of education and workforce shall grant a 24031
high school diploma to any person unless, subject to section 24032
3313.614 of the Revised Code, the person has met the assessment 24033
requirements of division (A) (1) or (2) of this section, as 24034
applicable. 24035

(1) If the person entered the ninth grade prior to July 1, 24036

2014, the person has attained at least the applicable scores 24037
designated under division (B) (1) of section 3301.0710 of the 24038
Revised Code on all the assessments required by that division, 24039
or has satisfied the alternative conditions prescribed in 24040
section 3313.615 of the Revised Code. 24041

(2) If the person entered the ninth grade on or after July 24042
1, 2014, the person has met the requirement prescribed by 24043
section 3313.618 or 3313.619 of the Revised Code. 24044

(B) This section does not apply to any of the following: 24045

(1) Any person with regard to any assessment from which 24046
the person was excused pursuant to division (C) (1) (c) of section 24047
3301.0711 of the Revised Code; 24048

(2) Except as provided in division (B) (4) of this section, 24049
any person who attends a nonpublic school accredited through the 24050
independent schools association of the central states, except 24051
for a student attending the school under a state scholarship 24052
program as defined in section 3301.0711 of the Revised Code; 24053

(3) Any person with regard to the social studies 24054
assessment under division (B) (1) of section 3301.0710 of the 24055
Revised Code, any American history end-of-course examination and 24056
any American government end-of-course examination required under 24057
division (B) of section 3301.0712 of the Revised Code if such an 24058
exemption is prescribed by rule of the ~~state board~~ department of 24059
education and workforce under division (D) (3) of section 24060
3301.0712 of the Revised Code, or the citizenship test under 24061
former division (B) of section 3301.0710 of the Revised Code as 24062
it existed prior to September 11, 2001, if all of the following 24063
apply: 24064

(a) The person is not a citizen of the United States; 24065

(b) The person is not a permanent resident of the United States; 24066
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(c) The person indicates no intention to reside in the United States after completion of high school. 24068
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(4) Any person who attends a chartered nonpublic school that satisfies the requirements of division (L) (4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's eligibility for graduation based on the standards of the school's accrediting body. 24070
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(C) As used in this division, "English learner" has the same meaning as in division (C) (3) of section 3301.0711 of the Revised Code. 24076
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Notwithstanding division (C) (3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section. 24079
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(D) The ~~state board~~ department shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section. 24086
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(E) The department ~~of education~~ shall furnish the assessment administered by a nonpublic school pursuant to division (B) (1) of section 3301.0712 of the Revised Code. 24090
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Sec. 3313.614. (A) As used in this section, a person "fulfills the curriculum requirement for a diploma" at the time 24093
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one of the following conditions is satisfied: 24095

(1) The person successfully completes the high school curriculum of a school district, a community school, a chartered nonpublic school, or a correctional institution. 24096
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(2) The person successfully completes the individualized education program developed for the person under section 3323.08 of the Revised Code. 24099
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(3) A board of education issues its determination under section 3313.611 of the Revised Code that the person qualifies as having successfully completed the curriculum required by the district. 24102
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(B) This division specifies the assessment requirements that must be fulfilled as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code. 24106
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(1) A person who fulfills the curriculum requirement for a diploma before September 15, 2000, is not required to pass any proficiency test or achievement test in science as a condition to receiving a diploma. 24110
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(2) A person who began ninth grade for the first time prior to July 1, 2003, is not required to pass the Ohio graduation test prescribed under division (B) (1) of section 3301.0710 or any assessment prescribed under division (B) (2) of that section in any subject as a condition to receiving a diploma once the person has passed the ninth grade proficiency test in the same subject, so long as the person passed the ninth grade proficiency test prior to September 15, 2008. However, any such person who passes the Ohio graduation test in any subject prior to passing the ninth grade proficiency test in the same 24114
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subject shall be deemed to have passed the ninth grade 24124
proficiency test in that subject as a condition to receiving a 24125
diploma. For this purpose, the ninth grade proficiency test in 24126
citizenship substitutes for the Ohio graduation test in social 24127
studies. If a person began ninth grade prior to July 1, 2003, 24128
but does not pass a ninth grade proficiency test or the Ohio 24129
graduation test in a particular subject before September 15, 24130
2008, and passage of a test in that subject is a condition for 24131
the person to receive a diploma, the person must pass the Ohio 24132
graduation test instead of the ninth grade proficiency test in 24133
that subject to receive a diploma. 24134

(3) (a) Except as provided in division (B) (3) (b) of this 24135
section, a person who begins ninth grade for the first time on 24136
or after July 1, 2003, in a school district, community school, 24137
or chartered nonpublic school is not eligible to receive a 24138
diploma based on passage of ninth grade proficiency tests. Each 24139
such person who begins ninth grade prior to July 1, 2014, must 24140
pass Ohio graduation tests to meet the assessment requirements 24141
applicable to that person as a condition to receiving a diploma 24142
or satisfy one of the conditions prescribed in division (B) (3) 24143
(b) of this section. 24144

(b) A person who began ninth grade for the first time 24145
prior to July 1, 2014, shall be eligible to receive a diploma if 24146
the person meets the requirement prescribed by section 3313.618 24147
or 3313.619 of the Revised Code. 24148

(c) A person who began ninth grade for the first time 24149
prior to July 1, 2014, and who has not attained at least the 24150
applicable scores designated under division (B) (1) of section 24151
3301.0710 of the Revised Code on all the assessments required by 24152
that division shall be eligible to receive a diploma if the 24153

person meets the requirement prescribed by rule of the ~~state-~~ 24154
~~board department~~ of education and workforce as prescribed under 24155
division (B) (3) (d) of this section. 24156

(d) ~~Not later than December 31, 2015, the state board of-~~ 24157
~~education~~ The department shall adopt rules prescribing the 24158
manner in which a person who began ninth grade for the first 24159
time prior to July 1, 2014, may be eligible for a high school 24160
diploma by combining the requirement prescribed by section 24161
3313.618 or 3313.619 of the Revised Code and the requirement to 24162
attain at least the applicable scores designated under division 24163
(B) (1) of section 3301.0710 of the Revised Code on the 24164
assessments required by that division. The rules shall ensure 24165
that the combined requirements require a demonstration of 24166
mastery that is equivalent or greater to the expectations of the 24167
assessments prescribed by division (B) (1) of section 3301.0710 24168
of the Revised Code. The rules shall include the following: 24169

(i) The date by which a person who began ninth grade for 24170
the first time prior to July 1, 2014, may be eligible for a high 24171
school diploma under division (B) (3) (c) of this section; 24172

(ii) Methods of replacing individual assessments 24173
prescribed by division (B) (1) of section 3301.0710 of the 24174
Revised Code; 24175

(iii) Methods of integrating the pathways prescribed by 24176
division (A) of section 3313.618 or section 3313.619 of the 24177
Revised Code. 24178

(4) Except as provided in division (B) (3) (b) of this 24179
section, a person who begins ninth grade on or after July 1, 24180
2014, is not eligible to receive a diploma based on passage of 24181
the Ohio graduation tests. Each such person must meet the 24182

requirement prescribed by section 3313.618 or 3313.619 of the Revised Code. 24183
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(C) This division specifies the curriculum requirement 24185
that shall be completed as a condition toward granting high 24186
school diplomas under sections 3313.61, 3313.611, 3313.612, and 24187
3325.08 of the Revised Code. 24188

(1) A person who is under twenty-two years of age when the 24189
person fulfills the curriculum requirement for a diploma shall 24190
complete the curriculum required by the school district or 24191
school issuing the diploma for the first year that the person 24192
originally enrolled in high school, except for a person who 24193
qualifies for graduation from high school under either division 24194
(D) or (F) of section 3313.603 of the Revised Code. 24195

(2) Once a person fulfills the curriculum requirement for 24196
a diploma, the person is never required, as a condition of 24197
receiving a diploma, to meet any different curriculum 24198
requirements that take effect pending the person's passage of 24199
proficiency tests or achievement tests or assessments, including 24200
changes mandated by section 3313.603 of the Revised Code, the- 24201
~~state board department~~, a school district board of education, or 24202
a governing authority of a community school or chartered 24203
nonpublic school. 24204

Sec. 3313.615. This section shall apply to diplomas 24205
awarded after September 15, 2006, to students who are required 24206
to take the five Ohio graduation tests prescribed by division 24207
(B) (1) of section 3301.0710 of the Revised Code. This section 24208
does not apply to any student who enters ninth grade for the 24209
first time on or after July 1, 2014. 24210

(A) As an alternative to the requirement that a person 24211

attain the scores designated under division (B) (1) of section 24212
3301.0710 of the Revised Code on all the assessments required 24213
under that division in order to be eligible for a high school 24214
diploma or an honors diploma under sections 3313.61, 3313.612, 24215
or 3325.08 of the Revised Code or for a diploma of adult 24216
education under section 3313.611 of the Revised Code, a person 24217
who has attained at least the applicable scores designated under 24218
division (B) (1) of section 3301.0710 of the Revised Code on all 24219
but one of the assessments required by that division and from 24220
which the person was not excused or exempted, pursuant to 24221
division (L) of section 3313.61, division (B) (1) of section 24222
3313.612, or section 3313.532 of the Revised Code, may be 24223
awarded a diploma or honors diploma if the person has satisfied 24224
all of the following conditions: 24225

(1) On the one assessment required under division (B) (1) 24226
of section 3301.0710 of the Revised Code for which the person 24227
failed to attain the designated score, the person missed that 24228
score by ten points or less; 24229

(2) Has a ninety-seven per cent school attendance rate in 24230
each of the last four school years, excluding any excused 24231
absences; 24232

(3) Has not been expelled from school under section 24233
3313.66 of the Revised Code in any of the last four school 24234
years; 24235

(4) Has a grade point average of at least 2.5 out of 4.0, 24236
or its equivalent as designated in rules adopted by the ~~state-~~ 24237
~~board~~ department of education and workforce, in the subject area 24238
of the assessment required under division (B) (1) of section 24239
3301.0710 of the Revised Code for which the person failed to 24240
attain the designated score; 24241

(5) Has completed the high school curriculum requirements 24242
prescribed in section 3313.603 of the Revised Code or has 24243
qualified under division (D) or (F) of that section; 24244

(6) Has taken advantage of any intervention programs 24245
provided by the school district or school in the subject area 24246
described in division (A) (4) of this section and has a ninety- 24247
seven per cent attendance rate, excluding any excused absences, 24248
in any of those programs that are provided at times beyond the 24249
normal school day, school week, or school year or has received 24250
comparable intervention services from a source other than the 24251
school district or school; 24252

(7) Holds a letter recommending graduation from each of 24253
the person's high school teachers in the subject area described 24254
in division (A) (4) of this section and from the person's high 24255
school principal. 24256

(B) The ~~state board of education~~ department shall 24257
establish rules designating grade point averages equivalent to 24258
the average specified in division (A) (4) of this section for use 24259
by school districts and schools with different grading systems. 24260

(C) Any student who is exempt from attaining the 24261
applicable score designated under division (B) (1) of section 24262
3301.0710 of the Revised Code on the Ohio graduation test in 24263
social studies pursuant to division (H) of section 3313.61 or 24264
division (B) (3) of section 3313.612 of the Revised Code shall 24265
not qualify for a high school diploma under this section, 24266
unless, notwithstanding the exemption, the student attains the 24267
applicable score on that assessment. If the student attains the 24268
applicable score on that assessment, the student may qualify for 24269
a diploma under this section in the same manner as any other 24270
student who is required to take the five Ohio graduation tests 24271

prescribed by division (B) (1) of section 3301.0710 of the Revised Code. 24272
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Sec. 3313.618. (A) In addition to the curriculum 24274
requirements specified by the board of education of a school 24275
district or governing authority of a chartered nonpublic school, 24276
each student entering ninth grade for the first time on or after 24277
July 1, 2014, but prior to July 1, 2019, shall satisfy at least 24278
one of the following conditions or the conditions prescribed 24279
under division (B) of this section in order to qualify for a 24280
high school diploma: 24281

(1) Be remediation-free, in accordance with standards 24282
adopted under division (F) of section 3345.061 of the Revised 24283
Code, on each of the nationally standardized assessments in 24284
English, mathematics, and reading; 24285

(2) Attain a score specified under division (B) (5) (c) of 24286
section 3301.0712 of the Revised Code on the end-of-course 24287
examinations prescribed under division (B) of section 3301.0712 24288
of the Revised Code. 24289

(3) Attain a score that demonstrates workforce readiness 24290
and employability on a nationally recognized job skills 24291
assessment selected by the ~~state board~~ department of education_ 24292
and workforce under division ~~(G)~~ (F) of section 3301.0712 of the 24293
Revised Code and obtain either an industry-recognized credential 24294
or a license issued by a state agency or board for practice in a 24295
vocation that requires an examination for issuance of that 24296
license. 24297

For the purposes of this division, the industry-recognized 24298
credentials and licenses shall be as approved under section 24299
3313.6113 of the Revised Code. 24300

A student may choose to qualify for a high school diploma 24301
by satisfying any of the separate requirements prescribed by 24302
divisions (A) (1) to (3) of this section. If the student's school 24303
district or school does not administer the examination 24304
prescribed by one of those divisions that the student chooses to 24305
take to satisfy the requirements of this section, the school 24306
district or school may require that student to arrange for the 24307
applicable scores to be sent directly to the district or school 24308
by the company or organization that administers the examination. 24309

(B) In addition to the curriculum requirements specified 24310
by the district board or school governing authority, each 24311
student entering ninth grade for the first time on or after July 24312
1, 2019, shall satisfy the following conditions in order to 24313
qualify for a high school diploma: 24314

(1) Except as otherwise provided in division (D) of this 24315
section, attain a competency score as determined under division 24316
(B) (10) of section 3301.0712 of the Revised Code on each of the 24317
Algebra I and English language arts II end-of-course 24318
examinations prescribed under division (B) (2) of section 24319
3301.0712 of the Revised Code. 24320

School districts and chartered nonpublic schools shall 24321
offer remedial support to any student who fails to attain a 24322
competency score on one or both of the Algebra I and English 24323
language arts II end-of-course examinations. 24324

Following the first administration of the exam, if a 24325
student fails to attain a competency score on one or both of the 24326
Algebra I and English language arts II end-of-course 24327
examinations that student must retake the respective examination 24328
at least once. 24329

If a student fails to attain a competency score on a 24330
retake examination, the student may demonstrate competency in 24331
the failed subject area through one of the following options: 24332

(a) Earn course credit taken through the college credit 24333
plus program established under Chapter 3365. of the Revised Code 24334
in the failed subject area; 24335

(b) Complete two of the following options, one of which 24336
must be foundational: 24337

(i) Foundational options to demonstrate competency, which 24338
include earning a cumulative score of proficient or higher on 24339
three or more state technical assessments aligned with section 24340
3313.903 of the Revised Code in a single career pathway, 24341
obtaining an industry-recognized credential, or group of 24342
credentials, approved under section 3313.6113 of the Revised 24343
Code that is at least equal to the total number of points 24344
established under that section to qualify for a high school 24345
diploma, obtaining a license approved under section 3313.6113 of 24346
the Revised Code that is issued by a state agency or board for 24347
practice in a vocation that requires an examination for issuance 24348
of that license, completing a pre-apprenticeship aligned with 24349
options established under section 3313.904 of the Revised Code 24350
in the student's chosen career field, completing an 24351
apprenticeship registered with the apprenticeship council 24352
established under section 4139.02 of the Revised Code in the 24353
student's chosen career field, or providing evidence of 24354
acceptance into an apprenticeship program after high school that 24355
is restricted to participants eighteen years of age or older; 24356

(ii) Supporting options to demonstrate competency, which 24357
include completing two hundred fifty hours of a work-based 24358
learning experience with evidence of positive evaluations, 24359

obtaining an OhioMeansJobs-readiness seal under section 24360
3313.6112 of the Revised Code, or attaining a workforce 24361
readiness score, as determined by the department ~~of education,~~ 24362
on the nationally recognized job skills assessment selected by 24363
the ~~state board department~~ under division ~~(G)~~ (F) of section 24364
3301.0712 of the Revised Code. 24365

(c) Provide evidence that the student has enlisted in a 24366
branch of the armed services of the United States as defined in 24367
section 5910.01 of the Revised Code. 24368

(d) Be remediation-free, in accordance with standards 24369
adopted under division (F) of section 3345.061 of the Revised 24370
Code, in the failed subject area on a nationally standardized 24371
assessment prescribed under division (B) (1) of section 3301.0712 24372
of the Revised Code. For English language arts II, a student 24373
must be remediation-free in the subjects of English and reading 24374
on the nationally standardized assessment. 24375

Subject to division (L) (2) of section 3313.61 of the 24376
Revised Code, for any students receiving special education and 24377
related services under Chapter 3323. of the Revised Code, the 24378
individualized education program developed for the student under 24379
that chapter shall specify the manner in which the student will 24380
participate in the assessments administered under this division 24381
or an alternate assessment in accordance with division (C) (1) of 24382
section 3301.0711 of the Revised Code. 24383

(2) Earn at least two of the state diploma seals 24384
prescribed under division (A) of section 3313.6114 of the 24385
Revised Code, at least one of which shall be any of the 24386
following: 24387

(a) The state seal of biliteracy established under section 24388

3313.6111 of the Revised Code;	24389
(b) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;	24390 24391
(c) One of the state diploma seals established under divisions (C) (1) to (7) of section 3313.6114 of the Revised Code.	24392 24393 24394
(C) A student who transfers into an Ohio public or chartered nonpublic high school from another state or enrolls in such a high school after receiving home instruction-education or attending a nonchartered, nontax-supported school in the previous school year shall meet the requirements of division (B) of this section in order to qualify for a high school diploma under that division. However, any such student who transfers or enrolls after the start of the student's twelfth grade year and fails to attain a competency score on the Algebra I or English language arts II end-of-course examination shall not be required to retake the applicable examination prior to demonstrating competency in the failed subject area under the options prescribed in divisions (B) (1) (a) to (d) of this section.	24395 24396 24397 24398 24399 24400 24401 24402 24403 24404 24405 24406 24407
(D) A chartered nonpublic school student subject to division (L) (3) (a) (ii) of section 3301.0711 of the Revised Code shall be considered to have demonstrated competency for the purposes of division (B) (1) of this section if the student earns a remediation-free score in the areas of English, mathematics, and reading, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B) (1) of section 3301.0712 of the Revised Code. No such student shall be required to take the Algebra I or English language arts II end-of-course examination under this section.	24408 24409 24410 24411 24412 24413 24414 24415 24416 24417 24418

(E) The ~~state board of education~~ department shall not 24419
create or require any additional assessment for the granting of 24420
any type of high school diploma other than as prescribed by this 24421
section. Except as provided in sections 3313.6111, 3313.6112, 24422
and 3313.6114 of the Revised Code, the ~~state board~~ department or 24423
the ~~superintendent of public instruction~~ director of education 24424
and workforce shall not create any endorsement or designation 24425
that may be affiliated with a high school diploma. 24426

Sec. 3313.619. (A) In lieu of the assessment requirements 24427
prescribed by division (A) of section 3313.618 of the Revised 24428
Code or the requirements to demonstrate competency and earn 24429
diploma seals prescribed by division (B) of that section, a 24430
chartered nonpublic school may grant a high school diploma to a 24431
student who attains at least the designated score on an 24432
assessment approved by the department of education and workforce 24433
under division (B) of this section and selected by the school's 24434
governing authority. 24435

(B) For purposes of division (A) of this section, the 24436
department shall approve assessments that meet the conditions 24437
specified under division (C) of this section and shall designate 24438
passing scores for each of those assessments. 24439

(C) Each assessment approved under division (B) of this 24440
section shall be nationally norm-referenced, have internal 24441
consistency reliability coefficients of at least "0.8," be 24442
standardized, have specific evidence of content, concurrent, or 24443
criterion validity, have evidence of norming studies in the 24444
previous ten years, have a measure of student achievement in 24445
core academic areas, and have high validity evidenced by the 24446
alignment of the assessment with nationally recognized content. 24447

(D) Nothing in this section shall prohibit a chartered 24448

nonpublic school from granting a high school diploma to a 24449
student if the student satisfies the applicable requirements 24450
prescribed by section 3313.618 of the Revised Code. 24451

Sec. 3313.6110. (A) A person who has completed the final 24452
year of instruction at home, as authorized under section ~~3321.04~~ 24453
3321.042 of the Revised Code, and has successfully fulfilled the 24454
high school curriculum applicable to that person may be granted 24455
a high school diploma by the person's parent, guardian, or other 24456
person having charge or care of a child, as defined in division 24457
(A) (1) of section 3321.01 of the Revised Code. 24458

~~(B) Beginning with diplomas issued on or after July 1,~~ 24459
~~2015, each diploma granted under division (A) of this section~~ 24460
~~shall be accompanied by the official letter of excuse issued by~~ 24461
~~the district superintendent for the student's final year of home~~ 24462
~~education.~~ 24463

~~(C)~~ A person who has graduated from a nonchartered 24464
nonpublic school in Ohio and who has successfully fulfilled that 24465
school's high school curriculum may be granted a high school 24466
diploma by the governing authority of that school. 24467

~~(D)~~ (C) Notwithstanding anything in the Revised Code to 24468
the contrary, a diploma granted under this section shall serve 24469
as proof of the successful completion of that person's 24470
applicable high school curriculum and satisfactory to fulfill 24471
any legal requirement to show such proof. 24472

~~(E)~~ (D) For the purposes of an application for employment, 24473
a diploma granted under this section shall be considered proof 24474
of completion of a high school education, regardless of whether 24475
the person to which the diploma was granted participated in the 24476
assessments prescribed by division (A) (1) or (B) (1) or (2) of 24477

section 3301.0710 and section 3301.0712 of the Revised Code. 24478

~~(F)~~ (E) A diploma granted under division (A) of this 24479
section may include a state seal of biliteracy, an 24480
OhioMeansJobs-readiness seal, or a state diploma seal that may 24481
be assigned to the student's diploma, by the parent, guardian, 24482
or other person having charge or care of the student, in the 24483
same manner as prescribed for diplomas and transcripts issued by 24484
school districts and chartered nonpublic schools under sections 24485
3313.6111, 3113.6112, and 3313.6114 of the Revised Code. 24486

Sec. 3313.6111. (A) The ~~state board~~ department of 24487
education and workforce shall establish the state seal of 24488
biliteracy, which may be attached or affixed to the high school 24489
transcript of a student enrolled in a public or chartered 24490
nonpublic school. The state seal of biliteracy shall demonstrate 24491
the attainment of a high level of proficiency by a graduate of a 24492
public or chartered nonpublic high school in one or more 24493
languages in addition to English, sufficient for meaningful use 24494
in college and a career. The purpose of the state seal of 24495
biliteracy shall be to: 24496

- (1) Encourage students to study languages; 24497
- (2) Certify the attainment of biliteracy; 24498
- (3) Provide employers with a method of identifying 24499
individuals with language and biliteracy skills; 24500
- (4) Provide institutions of higher education with an 24501
additional method to recognize applicants for admission; 24502
- (5) Prepare students with twenty-first century skills; 24503
- (6) Recognize the value of foreign language and native 24504
language instruction in public schools; and 24505

(7) Strengthen inter-group relationships, affirm the value of diversity, and honor the multiple cultures and languages of a community. 24506
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(B) (1) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school may attach or affix the state seal of biliteracy to the transcript of a student enrolled in the school who meets the requirements prescribed under division (C) (1) of this section. A district or school shall not be required to attach or affix the state seal of biliteracy on the transcript of a student enrolled in the school. 24509
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(2) Each school district, community school, STEM school, college-preparatory boarding school, and chartered nonpublic school shall maintain appropriate records to identify students who have completed the requirements for earning a state seal of biliteracy as prescribed under division (C) (1) of this section, and if the district or school has a policy of attaching or affixing the state seal of biliteracy to student transcripts, the district or school shall make the appropriate designation on the transcript of a student who completes the requirements. 24519
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(C) ~~The state board of education~~ department shall do the following: 24528
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(1) Establish the requirements and criteria for earning a state seal of biliteracy, including assessments of foreign language and English proficiency. 24530
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(2) ~~Direct the department of education to prepare~~ Prepare and deliver to participating school districts, community 24533
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schools, STEM schools, college-preparatory boarding schools, and 24535
chartered nonpublic schools an appropriate mechanism for 24536
assigning a state seal of biliteracy on a student's transcript 24537
indicating that the student has been assigned the seal; 24538

(3) ~~Direct the department to provide~~ Provide any other 24539
information ~~the state board~~ it considers necessary for school 24540
districts, community schools, STEM schools, college-preparatory 24541
boarding schools, and chartered nonpublic schools to participate 24542
in the assigning of a state seal of biliteracy; 24543

(4) Adopt rules in accordance with Chapter 119. of the 24544
Revised Code to implement the provisions of this section. 24545

(D) A student shall not be charged a fee to be assigned a 24546
state seal of biliteracy on their transcript. A student may be 24547
required to pay a fee to demonstrate proficiency in a language, 24548
including the cost of a standardized test to determine 24549
proficiency in a language. 24550

(E) As used in this section, "foreign language" refers to 24551
any language other than English, including modern languages, 24552
Latin, American sign language, native American languages, and 24553
native languages. 24554

Sec. 3313.6112. (A) The ~~superintendent of public~~ 24555
~~instruction~~ department of education and workforce, in 24556
consultation with the chancellor of higher education and the 24557
governor's office of workforce transformation, shall establish 24558
the OhioMeansJobs-readiness seal, which may be attached or 24559
affixed to the high school diploma and transcript of a student 24560
enrolled in a public or chartered nonpublic school. 24561

(B) A school district, community school established under 24562
Chapter 3314. of the Revised Code, STEM school established under 24563

Chapter 3326. of the Revised Code, college-preparatory boarding 24564
school established under Chapter 3328. of the Revised Code, or 24565
chartered nonpublic school shall attach or affix the 24566
OhioMeansJobs-readiness seal to the diploma and transcript of a 24567
student enrolled in the school who meets the requirements 24568
prescribed under division (C)(1) of this section. 24569

(C) The ~~state superintendent~~department of education and 24570
workforce, in consultation with the chancellor and the 24571
governor's office of workforce transformation, shall do the 24572
following: 24573

(1) Establish the requirements and criteria for earning an 24574
OhioMeansJobs-readiness seal, including demonstration of work- 24575
readiness and work ethic competencies such as teamwork, problem- 24576
solving, reliability, punctuality, and computer technology 24577
competency; 24578

(2) Develop a standardized form for students to complete 24579
and have validated prior to graduation by at least three 24580
individuals, each of whom must be an employer, teacher, business 24581
mentor, community leader, faith-based leader, school leader, or 24582
coach of the student; 24583

(3) Prepare and deliver to all school districts, community 24584
schools, STEM schools, college-preparatory boarding schools, and 24585
chartered nonpublic schools an appropriate mechanism for 24586
assigning an OhioMeansJobs-readiness seal on a student's diploma 24587
and transcript indicating that the student has been assigned the 24588
seal; 24589

(4) Provide any other information the ~~state superintendent~~ 24590
department considers necessary for school districts, community 24591
schools, STEM schools, college-preparatory boarding schools, and 24592

chartered nonpublic schools to assign an OhioMeansJobs-readiness seal. 24593
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(D) A student shall not be charged a fee to be assigned an OhioMeansJobs-readiness seal on the student's diploma and transcript. 24595
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Sec. 3313.6113. (A) The ~~superintendent of public~~ 24598
~~instruction~~ director of education and workforce, in collaboration 24599
with the governor's office of workforce transformation and 24600
representatives of business organizations, shall establish a 24601
committee to develop a list of industry-recognized credentials 24602
and licenses that may be used to qualify for a high school 24603
diploma under section 3313.618 of the Revised Code and shall be 24604
used for state report card purposes under section 3302.03 of the 24605
Revised Code. ~~The state superintendent shall appoint the members~~ 24606
~~of the committee not later than January 1, 2018.~~ 24607

(B) The committee shall do the following: 24608

(1) Establish criteria for acceptable industry-recognized 24609
credentials and licenses aligned with the in-demand jobs list 24610
published by the department of job and family services; 24611

(2) Review the list of industry-recognized credentials and 24612
licenses that was in existence on January 1, 2018, and update 24613
the list as it considers necessary; 24614

(3) Review and update the list of industry-recognized 24615
credentials and licenses at least biennially; 24616

(4) Assign a point value for each industry-recognized 24617
credential and establish the total number of points for 24618
industry-recognized credentials that a student must earn to 24619
qualify for a high school diploma under sections 3313.618 and 24620
3313.6114 of the Revised Code; 24621

(5) Update the list of industry-recognized credentials to include a driver's license obtained by a student through a driver education course offered by a school district in accordance with section 3301.17 of the Revised Code.

(C) For purposes of divisions (B) (2) (d), (C) (2) (e), and (D) (1) (j) (v) of section 3302.03 of the Revised Code, the department of education and workforce shall include only those students who earn an industry-recognized credential, or group of credentials, at least equal to the total number of points established by the committee under this section to qualify for a high school diploma.

Sec. 3313.6114. (A) The ~~state board~~ department of education and workforce shall establish a system of state diploma seals for the purposes of allowing a student to qualify for graduation under section 3313.618 of the Revised Code. State diploma seals may be attached or affixed to the high school diploma of a student enrolled in a public or chartered nonpublic school. The system of state diploma seals shall consist of all of the following:

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

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

(3) The state diploma seals prescribed under division (C) of this section.

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or

chartered nonpublic school shall attach or affix the state seals 24651
prescribed under division (C) of this section to the diploma and 24652
transcript of a student enrolled in the district or school who 24653
meets the requirements established under that division. 24654

(C) The ~~state board~~ department shall establish all of the 24655
following state diploma seals: 24656

(1) An industry-recognized credential seal. A student 24657
shall meet the requirement for this seal by doing either of the 24658
following: 24659

(a) Earning an industry-recognized credential, or group of 24660
credentials, approved under section 3313.6113 of the Revised 24661
Code that is both of the following: 24662

(i) At least equal to the total number of points 24663
established under section 3313.6113 of the Revised Code to 24664
qualify for a high school diploma; 24665

(ii) Aligned to a job that is determined to be in demand 24666
in this state and its regions under section 6301.11 of the 24667
Revised Code. 24668

(b) Obtaining a license approved under section 3313.6113 24669
of the Revised Code that is issued by a state agency or board 24670
for practice in a vocation that requires an examination for 24671
issuance of that license. 24672

(2) A college-ready seal. A student shall meet the 24673
requirement for this seal by attaining a score that is 24674
remediation-free, in accordance with standards adopted under 24675
division (F) of section 3345.061 of the Revised Code, on a 24676
nationally standardized assessment prescribed under division (B) 24677
(1) of section 3301.0712 of the Revised Code. 24678

- (3) A military enlistment seal. A student shall meet the requirement for this seal by doing either of the following: 24679
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- (a) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code; 24681
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24683
- (b) Participating in a junior reserve officer training program approved by the congress of the United States under title 10 of the United States Code. 24684
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24686
- (4) A citizenship seal. A student shall meet the requirement for this seal by doing any of the following: 24687
24688
- (a) Demonstrating at least a proficient level of skill as prescribed under division (B) (5) (a) of section 3301.0712 of the Revised Code on both the American history and American government end-of-course examinations prescribed under division (B) (2) of section 3301.0712 of the Revised Code; 24689
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- (b) Attaining a score level prescribed under division (B) (5) (d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in appropriate advanced placement or international baccalaureate examinations in lieu of the American history and American government end-of-course examinations; 24694
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- (c) In lieu of the American history and American government end-of-course examinations, attaining a final course grade that is the equivalent of a "B" or higher in either: 24700
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- (i) An American history course and an American government course that are offered by the student's high school; 24703
24704
- (ii) Appropriate courses taken through the college credit plus program established under Chapter 3365. of the Revised 24705
24706

Code.	24707
(d) In the case of a student who takes an alternate	24708
assessment in accordance with division (C)(1) of section	24709
3301.0711 of the Revised Code, attaining a score established by	24710
the state board <u>department</u> on the alternate assessment in social	24711
studies;	24712
(e) In the case of a student who transfers into an Ohio	24713
public or chartered nonpublic high school from another state or	24714
who enrolls in an Ohio public or chartered nonpublic high school	24715
after receiving home instruction <u>education</u> or attending a	24716
nonchartered, nontax-supported school in the previous school	24717
year, attaining a final course grade that is the equivalent of a	24718
"B" or higher in courses that correspond with the American	24719
history and American government end-of-course examinations and	24720
that the student completed in the state from which the student	24721
transferred or completed while receiving home instruction	24722
<u>education</u> or attending a nonchartered, nontax-supported school.	24723
Division (C)(4)(e) of this section does not apply to any such	24724
student with respect to an American history or American	24725
government course for which an end-of-course examination is	24726
associated that the student takes after enrolling in the high	24727
school.	24728
(5) A science seal. A student shall meet the requirement	24729
for this seal by doing any of the following:	24730
(a) Demonstrating at least a proficient level of skill as	24731
prescribed under division (B)(5)(a) of section 3301.0712 of the	24732
Revised Code on the science end-of-course examination prescribed	24733
under division (B)(2) of section 3301.0712 of the Revised Code;	24734
(b) Attaining a score level prescribed under division (B)	24735

(5) (d) of section 3301.0712 of the Revised Code that is at least 24736
the equivalent of a proficient level of skill in an appropriate 24737
advanced placement or international baccalaureate examination in 24738
lieu of the science end-of-course examination; 24739

(c) In lieu of the science end-of-course examination, 24740
attaining a final course grade that is the equivalent of a "B" 24741
or higher in either: 24742

(i) A science course listed in divisions (C) (5) (c) (i) to 24743
(iii) of section 3313.603 of the Revised Code that is offered by 24744
the student's high school; 24745

(ii) An appropriate course taken through the college 24746
credit plus program established under Chapter 3365. of the 24747
Revised Code. 24748

(d) In the case of a student who takes an alternate 24749
assessment in accordance with division (C) (1) of section 24750
3301.0711 of the Revised Code, attaining a score established by 24751
the ~~state board~~ department on the alternate assessment in 24752
science; 24753

(e) In the case of a student who transfers into an Ohio 24754
public or chartered nonpublic high school from another state or 24755
enrolls in an Ohio public or chartered nonpublic high school 24756
after receiving home ~~instruction~~ education or attending a 24757
nonchartered, nontax-supported school in the previous school 24758
year, attaining a final course grade that is the equivalent of a 24759
"B" or higher in a course that corresponds with the science end- 24760
of-course examination and that the student completed in the 24761
state from which the student transferred or completed while 24762
receiving home instruction or attending a nonchartered, nontax- 24763
supported school. Division (C) (5) (e) of this section does not 24764

apply to any such student who takes a science course for which 24765
an end-of-course examination is associated after enrolling in 24766
the high school. 24767

(6) An honors diploma seal. A student shall meet the 24768
requirement for this seal by meeting the additional criteria for 24769
an honors diploma under division (B) of section 3313.61 of the 24770
Revised Code. 24771

(7) A technology seal. A student shall meet the 24772
requirement for this seal by doing any of the following: 24773

(a) Subject to division (B) (5) (d) of section 3301.0712 of 24774
the Revised Code, attaining a score level that is at least the 24775
equivalent of a proficient level of skill in an appropriate 24776
advanced placement or international baccalaureate examination; 24777

(b) Attaining a final course grade that is the equivalent 24778
of a "B" or higher in an appropriate course taken through the 24779
college credit plus program established under Chapter 3365. of 24780
the Revised Code; 24781

(c) Completing a course offered through the student's 24782
district or school that meets guidelines developed by the 24783
~~department of education~~. However, a district or school shall not 24784
be required to offer a course that meets those guidelines- 24785
~~developed by the department~~. 24786

(d) In the case of a student who transfers into an Ohio 24787
public or chartered nonpublic high school from another state or 24788
enrolls in an Ohio public or chartered nonpublic high school 24789
after receiving home ~~instruction~~ education or attending a 24790
nonchartered, nontax-supported school in the previous school 24791
year, attaining a final course grade that is the equivalent of a 24792
"B" or higher in an appropriate course, as determined by the 24793

district or school, that the student completed in the state from 24794
which the student transferred or completed while receiving home 24795
~~instruction~~ education or attending a nonchartered, nontax- 24796
supported school. 24797

(8) A community service seal. A student shall meet the 24798
requirement for this seal by completing a community service 24799
project that is aligned with guidelines adopted by the student's 24800
district board or school governing authority. 24801

(9) A fine and performing arts seal. A student shall meet 24802
the requirement for this seal by demonstrating skill in the fine 24803
or performing arts according to an evaluation that is aligned 24804
with guidelines adopted by the student's district board or 24805
school governing authority. 24806

(10) A student engagement seal. A student shall meet the 24807
requirement for this seal by participating in extracurricular 24808
activities such as athletics, clubs, or student government to a 24809
meaningful extent, as determined by guidelines adopted by the 24810
student's district board or school governing authority. 24811

(D) (1) Each district or school shall develop guidelines 24812
for at least one of the state seals prescribed under divisions 24813
(C) (8) to (10) of this section. 24814

(2) For the purposes of determining whether a student who 24815
transfers to a district or school has satisfied the state 24816
diploma seal requirement under division (B) (2) of section 24817
3313.618 of the Revised Code, each district or school shall 24818
recognize a state diploma seal prescribed under divisions (C) (8) 24819
to (10) of this section and earned by a student at another 24820
district or a different public or chartered nonpublic school 24821
regardless of whether the district or school to which the 24822

student transfers has developed guidelines under this section 24823
for that state seal. 24824

(3) In guidelines developed for a state diploma seal 24825
prescribed under divisions (C) (8) to (10) of this section, each 24826
district or school shall include a method to give, to the extent 24827
feasible, a student who transfers into the district or school a 24828
proportional amount of credit for any progress the student was 24829
making toward earning that state seal at the school district or 24830
different public or chartered nonpublic school from which the 24831
student transfers. 24832

(E) Each district or school shall maintain appropriate 24833
records to identify students who have met the requirements 24834
prescribed under division (C) of this section for earning the 24835
state seals established under that division. 24836

(F) The department shall prepare and deliver to each 24837
district or school an appropriate mechanism for assigning a 24838
state diploma seal established under division (C) of this 24839
section. 24840

(G) A student shall not be charged a fee to be assigned a 24841
state seal prescribed under division (C) of this section on the 24842
student's diploma and transcript. 24843

Sec. 3313.64. (A) As used in this section and in section 24844
3313.65 of the Revised Code: 24845

(1) (a) Except as provided in division (A) (1) (b) of this 24846
section, "parent" means either parent, unless the parents are 24847
separated or divorced or their marriage has been dissolved or 24848
annulled, in which case "parent" means the parent who is the 24849
residential parent and legal custodian of the child. When a 24850
child is in the legal custody of a government agency or a person 24851

other than the child's natural or adoptive parent, "parent" 24852
means the parent with residual parental rights, privileges, and 24853
responsibilities. When a child is in the permanent custody of a 24854
government agency or a person other than the child's natural or 24855
adoptive parent, "parent" means the parent who was divested of 24856
parental rights and responsibilities for the care of the child 24857
and the right to have the child live with the parent and be the 24858
legal custodian of the child and all residual parental rights, 24859
privileges, and responsibilities. 24860

(b) When a child is the subject of a power of attorney 24861
executed under sections 3109.51 to 3109.62 of the Revised Code, 24862
"parent" means the grandparent designated as attorney in fact 24863
under the power of attorney. When a child is the subject of a 24864
caretaker authorization affidavit executed under sections 24865
3109.64 to 3109.73 of the Revised Code, "parent" means the 24866
grandparent that executed the affidavit. 24867

(2) "Legal custody," "permanent custody," and "residual 24868
parental rights, privileges, and responsibilities" have the same 24869
meanings as in section 2151.011 of the Revised Code. 24870

(3) "School district" or "district" means a city, local, 24871
or exempted village school district and excludes any school 24872
operated in an institution maintained by the department of youth 24873
services. 24874

(4) Except as used in division (C)(2) of this section, 24875
"home" means a home, institution, foster home, group home, or 24876
other residential facility in this state that receives and cares 24877
for children, to which any of the following applies: 24878

(a) The home is licensed, certified, or approved for such 24879
purpose by the state or is maintained by the department of youth 24880

services.	24881
(b) The home is operated by a person who is licensed,	24882
certified, or approved by the state to operate the home for such	24883
purpose.	24884
(c) The home accepted the child through a placement by a	24885
person licensed, certified, or approved to place a child in such	24886
a home by the state.	24887
(d) The home is a children's home created under section	24888
5153.21 or 5153.36 of the Revised Code.	24889
(5) "Agency" means all of the following:	24890
(a) A public children services agency;	24891
(b) An organization that holds a certificate issued by the	24892
Ohio department of job and family services in accordance with	24893
the requirements of section 5103.03 of the Revised Code and	24894
assumes temporary or permanent custody of children through	24895
commitment, agreement, or surrender, and places children in	24896
family homes for the purpose of adoption;	24897
(c) Comparable agencies of other states or countries that	24898
have complied with applicable requirements of section 2151.39 of	24899
the Revised Code or as applicable, sections 5103.20 to 5103.22	24900
or 5103.23 to 5103.237 of the Revised Code.	24901
(6) A child is placed for adoption if either of the	24902
following occurs:	24903
(a) An agency to which the child has been permanently	24904
committed or surrendered enters into an agreement with a person	24905
pursuant to section 5103.16 of the Revised Code for the care and	24906
adoption of the child.	24907

(b) The child's natural parent places the child pursuant 24908
to section 5103.16 of the Revised Code with a person who will 24909
care for and adopt the child. 24910

(7) "Preschool child with a disability" has the same 24911
meaning as in section 3323.01 of the Revised Code. 24912

(8) "Child," unless otherwise indicated, includes 24913
preschool children with disabilities. 24914

(9) "Active duty" means active duty pursuant to an 24915
executive order of the president of the United States, an act of 24916
the congress of the United States, or section 5919.29 or 5923.21 24917
of the Revised Code. 24918

(B) Except as otherwise provided in section 3321.01 of the 24919
Revised Code for admittance to kindergarten and first grade, a 24920
child who is at least five but under twenty-two years of age and 24921
any preschool child with a disability shall be admitted to 24922
school as provided in this division. 24923

(1) A child shall be admitted to the schools of the school 24924
district in which the child's parent resides. 24925

(2) Except as provided in division (B) of section 2151.362 24926
and section 3317.30 of the Revised Code, a child who does not 24927
reside in the district where the child's parent resides shall be 24928
admitted to the schools of the district in which the child 24929
resides if any of the following applies: 24930

(a) The child is in the legal or permanent custody of a 24931
government agency or a person other than the child's natural or 24932
adoptive parent. 24933

(b) The child resides in a home. 24934

(c) The child requires special education. 24935

(3) A child who is not entitled under division (B) (2) of this section to be admitted to the schools of the district where the child resides and who is residing with a resident of this state with whom the child has been placed for adoption shall be admitted to the schools of the district where the child resides unless either of the following applies:

(a) The placement for adoption has been terminated.

(b) Another school district is required to admit the child under division (B) (1) of this section.

Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.

(C) A district shall not charge tuition for children admitted under division (B) (1) or (3) of this section. If the district admits a child under division (B) (2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C) (1) to (3) of this section, unless division (C) (4) of this section applies to the child:

(1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home.

(2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as

otherwise provided in division (C) (2) (d) of this section, if the
child is in the permanent or legal custody of a government
agency or person other than the child's parent, tuition shall be
paid by:

(a) The district in which the child's parent resided at
the time the court removed the child from home or at the time
the court vested legal or permanent custody of the child in the
person or government agency, whichever occurred first;

(b) If the parent's residence at the time the court
removed the child from home or placed the child in the legal or
permanent custody of the person or government agency is unknown,
tuition shall be paid by the district in which the child resided
at the time the child was removed from home or placed in legal
or permanent custody, whichever occurred first;

(c) If a school district cannot be established under
division (C) (2) (a) or (b) of this section, tuition shall be paid
by the district determined as required by section 2151.362 of
the Revised Code by the court at the time it vests custody of
the child in the person or government agency;

(d) If at the time the court removed the child from home
or vested legal or permanent custody of the child in the person
or government agency, whichever occurred first, one parent was
in a residential or correctional facility or a juvenile
residential placement and the other parent, if living and not in
such a facility or placement, was not known to reside in this
state, tuition shall be paid by the district determined under
division (D) of section 3313.65 of the Revised Code as the
district required to pay any tuition while the parent was in
such facility or placement;

(e) If the department of education and workforce has determined, pursuant to division (A) (2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C) (4) of this section applies to any child who is admitted to a school district under division (B) (2) of this section, resides in a home that is not a foster home, a home maintained by the department of youth services, a detention facility established under section 2152.41 of the Revised Code, or a juvenile facility established under section 2151.65 of the Revised Code, and receives educational services at the home or facility in which the child resides pursuant to a contract between the home or facility and the school district providing those services.

If a child to whom division (C) (4) of this section applies is a special education student, a district may choose whether to receive a tuition payment for that child under division (C) (4) of this section or to receive a payment for that child under

section 3323.14 of the Revised Code. If a district chooses to receive a payment for that child under section 3323.14 of the Revised Code, it shall not receive a tuition payment for that child under division (C) (4) of this section.

If a child to whom division (C) (4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C) (4) of this section.

In the case of a child to which division (C) (4) of this section applies, the total educational cost to be paid for the child shall be determined by a formula approved by the department of education and workforce, which formula shall be designed to calculate a per diem cost for the educational services provided to the child for each day the child is served and shall reflect the total actual cost incurred in providing those services. The department shall certify the total educational cost to be paid for the child to both the school district providing the educational services and, if different, the school district that is responsible to pay tuition for the child. The department shall deduct the certified amount from the state basic aid funds payable under Chapter 3317. of the Revised Code to the district responsible to pay tuition and shall pay that amount to the district providing the educational services to the child.

(D) Tuition required to be paid under divisions (C) (2) and (3) (a) of this section shall be computed in accordance with section 3317.08 of the Revised Code. Tuition required to be paid under division (C) (3) (b) of this section shall be computed in accordance with section 3317.081 of the Revised Code. If a home fails to pay the tuition required by division (C) (3) (b) of this

section, the board of education providing the education may 25053
recover in a civil action the tuition and the expenses incurred 25054
in prosecuting the action, including court costs and reasonable 25055
attorney's fees. If the prosecuting attorney or city director of 25056
law represents the board in such action, costs and reasonable 25057
attorney's fees awarded by the court, based upon the prosecuting 25058
attorney's, director's, or one of their designee's time spent 25059
preparing and presenting the case, shall be deposited in the 25060
county or city general fund. 25061

(E) A board of education may enroll a child free of any 25062
tuition obligation for a period not to exceed sixty days, on the 25063
sworn statement of an adult resident of the district that the 25064
resident has initiated legal proceedings for custody of the 25065
child. 25066

(F) In the case of any individual entitled to attend 25067
school under this division, no tuition shall be charged by the 25068
school district of attendance and no other school district shall 25069
be required to pay tuition for the individual's attendance. 25070
Notwithstanding division (B), (C), or (E) of this section: 25071

(1) All persons at least eighteen but under twenty-two 25072
years of age who live apart from their parents, support 25073
themselves by their own labor, and have not successfully 25074
completed the high school curriculum or the individualized 25075
education program developed for the person by the high school 25076
pursuant to section 3323.08 of the Revised Code, are entitled to 25077
attend school in the district in which they reside. 25078

(2) Any child under eighteen years of age who is married 25079
is entitled to attend school in the child's district of 25080
residence. 25081

(3) A child is entitled to attend school in the district 25082
in which either of the child's parents is employed if the child 25083
has a medical condition that may require emergency medical 25084
attention. The parent of a child entitled to attend school under 25085
division (F) (3) of this section shall submit to the board of 25086
education of the district in which the parent is employed a 25087
statement from the child's physician certifying that the child's 25088
medical condition may require emergency medical attention. The 25089
statement shall be supported by such other evidence as the board 25090
may require. 25091

(4) Any child residing with a person other than the 25092
child's parent is entitled, for a period not to exceed twelve 25093
months, to attend school in the district in which that person 25094
resides if the child's parent files an affidavit with the 25095
superintendent of the district in which the person with whom the 25096
child is living resides stating all of the following: 25097

(a) That the parent is serving outside of the state in the 25098
armed services of the United States; 25099

(b) That the parent intends to reside in the district upon 25100
returning to this state; 25101

(c) The name and address of the person with whom the child 25102
is living while the parent is outside the state. 25103

(5) Any child under the age of twenty-two years who, after 25104
the death of a parent, resides in a school district other than 25105
the district in which the child attended school at the time of 25106
the parent's death is entitled to continue to attend school in 25107
the district in which the child attended school at the time of 25108
the parent's death for the remainder of the school year, subject 25109
to approval of that district board. 25110

(6) A child under the age of twenty-two years who resides with a parent who is having a new house built in a school district outside the district where the parent is residing is entitled to attend school for a period of time in the district where the new house is being built. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being built, and stating the parent's intention to reside there upon its completion;

(b) A statement from the builder confirming that a new house is being built for the parent and that the house is at the location indicated in the parent's statement.

(7) A child under the age of twenty-two years residing with a parent who has a contract to purchase a house in a school district outside the district where the parent is residing and who is waiting upon the date of closing of the mortgage loan for the purchase of such house is entitled to attend school for a period of time in the district where the house is being purchased. In order to be entitled to such attendance, the parent shall provide the district superintendent with the following:

(a) A sworn statement explaining the situation, revealing the location of the house being purchased, and stating the parent's intent to reside there;

(b) A statement from a real estate broker or bank officer confirming that the parent has a contract to purchase the house, that the parent is waiting upon the date of closing of the mortgage loan, and that the house is at the location indicated

in the parent's statement. 25140

The district superintendent shall establish a period of 25141
time not to exceed ninety days during which the child entitled 25142
to attend school under division (F) (6) or (7) of this section 25143
may attend without tuition obligation. A student attending a 25144
school under division (F) (6) or (7) of this section shall be 25145
eligible to participate in interscholastic athletics under the 25146
auspices of that school, provided the board of education of the 25147
school district where the student's parent resides, by a formal 25148
action, releases the student to participate in interscholastic 25149
athletics at the school where the student is attending, and 25150
provided the student receives any authorization required by a 25151
public agency or private organization of which the school 25152
district is a member exercising authority over interscholastic 25153
sports. 25154

(8) A child whose parent is a full-time employee of a 25155
city, local, or exempted village school district, or of an 25156
educational service center, may be admitted to the schools of 25157
the district where the child's parent is employed, or in the 25158
case of a child whose parent is employed by an educational 25159
service center, in the district that serves the location where 25160
the parent's job is primarily located, provided the district 25161
board of education establishes such an admission policy by 25162
resolution adopted by a majority of its members. Any such policy 25163
shall take effect on the first day of the school year and the 25164
effective date of any amendment or repeal may not be prior to 25165
the first day of the subsequent school year. The policy shall be 25166
uniformly applied to all such children and shall provide for the 25167
admission of any such child upon request of the parent. No child 25168
may be admitted under this policy after the first day of classes 25169
of any school year. 25170

(9) A child who is with the child's parent under the care of a shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code, is entitled to attend school free in the district in which the child is with the child's parent, and no other school district shall be required to pay tuition for the child's attendance in that school district.

The enrollment of a child in a school district under this division shall not be denied due to a delay in the school district's receipt of any records required under section 3313.672 of the Revised Code or any other records required for enrollment. Any days of attendance and any credits earned by a child while enrolled in a school district under this division shall be transferred to and accepted by any school district in which the child subsequently enrolls. The ~~state board department~~ of education and workforce shall adopt rules to ensure compliance with this division.

(10) Any child under the age of twenty-two years whose parent has moved out of the school district after the commencement of classes in the child's senior year of high school is entitled, subject to the approval of that district board, to attend school in the district in which the child attended school at the time of the parental move for the remainder of the school year and for one additional semester or equivalent term. A district board may also adopt a policy specifying extenuating circumstances under which a student may continue to attend school under division (F)(10) of this section for an additional period of time in order to successfully complete the high school curriculum for the individualized education program developed for the student by the high school pursuant to section 3323.08 of the Revised Code.

(11) As used in this division, "grandparent" means a parent of a parent of a child. A child under the age of twenty-two years who is in the custody of the child's parent, resides with a grandparent, and does not require special education is entitled to attend the schools of the district in which the child's grandparent resides, provided that, prior to such attendance in any school year, the board of education of the school district in which the child's grandparent resides and the board of education of the school district in which the child's parent resides enter into a written agreement specifying that good cause exists for such attendance, describing the nature of this good cause, and consenting to such attendance.

In lieu of a consent form signed by a parent, a board of education may request the grandparent of a child attending school in the district in which the grandparent resides pursuant to division (F) (11) of this section to complete any consent form required by the district, including any authorization required by sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised Code. Upon request, the grandparent shall complete any consent form required by the district. A school district shall not incur any liability solely because of its receipt of a consent form from a grandparent in lieu of a parent.

Division (F) (11) of this section does not create, and shall not be construed as creating, a new cause of action or substantive legal right against a school district, a member of a board of education, or an employee of a school district. This section does not affect, and shall not be construed as affecting, any immunities from defenses to tort liability created or recognized by Chapter 2744. of the Revised Code for a school district, member, or employee.

(12) A child under the age of twenty-two years is entitled 25232
to attend school in a school district other than the district in 25233
which the child is entitled to attend school under division (B), 25234
(C), or (E) of this section provided that, prior to such 25235
attendance in any school year, both of the following occur: 25236

(a) The superintendent of the district in which the child 25237
is entitled to attend school under division (B), (C), or (E) of 25238
this section contacts the superintendent of another district for 25239
purposes of this division; 25240

(b) The superintendents of both districts enter into a 25241
written agreement that consents to the attendance and specifies 25242
that the purpose of such attendance is to protect the student's 25243
physical or mental well-being or to deal with other extenuating 25244
circumstances deemed appropriate by the superintendents. 25245

While an agreement is in effect under this division for a 25246
student who is not receiving special education under Chapter 25247
3323. of the Revised Code and notwithstanding Chapter 3327. of 25248
the Revised Code, the board of education of neither school 25249
district involved in the agreement is required to provide 25250
transportation for the student to and from the school where the 25251
student attends. 25252

A student attending a school of a district pursuant to 25253
this division shall be allowed to participate in all student 25254
activities, including interscholastic athletics, at the school 25255
where the student is attending on the same basis as any student 25256
who has always attended the schools of that district while of 25257
compulsory school age. 25258

(13) All school districts shall comply with the "McKinney- 25259
Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for 25260

the education of homeless children. Each city, local, and 25261
exempted village school district shall comply with the 25262
requirements of that act governing the provision of a free, 25263
appropriate public education, including public preschool, to 25264
each homeless child. 25265

When a child loses permanent housing and becomes a 25266
homeless person, as defined in 42 U.S.C.A. 11481(5), or when a 25267
child who is such a homeless person changes temporary living 25268
arrangements, the child's parent or guardian shall have the 25269
option of enrolling the child in either of the following: 25270

(a) The child's school of origin, as defined in 42 25271
U.S.C.A. 11432(g) (3) (C); 25272

(b) The school that is operated by the school district in 25273
which the shelter where the child currently resides is located 25274
and that serves the geographic area in which the shelter is 25275
located. 25276

(14) A child under the age of twenty-two years who resides 25277
with a person other than the child's parent is entitled to 25278
attend school in the school district in which that person 25279
resides if both of the following apply: 25280

(a) That person has been appointed, through a military 25281
power of attorney executed under section 574(a) of the "National 25282
Defense Authorization Act for Fiscal Year 1994," 107 Stat. 1674 25283
(1993), 10 U.S.C. 1044b, or through a comparable document 25284
necessary to complete a family care plan, as the parent's agent 25285
for the care, custody, and control of the child while the parent 25286
is on active duty as a member of the national guard or a reserve 25287
unit of the armed forces of the United States or because the 25288
parent is a member of the armed forces of the United States and 25289

is on a duty assignment away from the parent's residence.	25290
(b) The military power of attorney or comparable document includes at least the authority to enroll the child in school.	25291 25292
The entitlement to attend school in the district in which the parent's agent under the military power of attorney or comparable document resides applies until the end of the school year in which the military power of attorney or comparable document expires.	25293 25294 25295 25296 25297
(G) A board of education, after approving admission, may waive tuition for students who will temporarily reside in the district and who are either of the following:	25298 25299 25300
(1) Residents or domiciliaries of a foreign nation who request admission as foreign exchange students;	25301 25302
(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.	25303 25304 25305
(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.	25306 25307 25308 25309 25310
(I) (1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent	25311 25312 25313 25314 25315 25316 25317 25318

has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under 25348
division (I)(1) of this section shall be entitled to 25349
transportation services pursuant to an agreement between the 25350
district and the district in which the child or child's parent 25351
has relocated unless the districts have not entered into such 25352
agreement, in which case the child shall be entitled to 25353
transportation services in the same manner as a pupil attending 25354
school in the district under interdistrict open enrollment as 25355
described in division (E) of section 3313.981 of the Revised 25356
Code, regardless of whether the district has adopted an open 25357
enrollment policy as described in division (B)(1)(b) or (c) of 25358
section 3313.98 of the Revised Code. 25359

(J) This division does not apply to a child receiving 25360
special education. 25361

A school district required to pay tuition pursuant to 25362
division (C)(2) or (3) of this section or section 3313.65 of the 25363
Revised Code shall have an amount deducted under division (C) of 25364
section 3317.023 of the Revised Code equal to its own tuition 25365
rate for the same period of attendance. A school district 25366
entitled to receive tuition pursuant to division (C)(2) or (3) 25367
of this section or section 3313.65 of the Revised Code shall 25368
have an amount credited under division (C) of section 3317.023 25369
of the Revised Code equal to its own tuition rate for the same 25370
period of attendance. If the tuition rate credited to the 25371
district of attendance exceeds the rate deducted from the 25372
district required to pay tuition, the department of education_ 25373
and workforce shall pay the district of attendance the 25374
difference from amounts deducted from all districts' payments 25375
under division (C) of section 3317.023 of the Revised Code but 25376
not credited to other school districts under such division and 25377
from appropriations made for such purpose. The treasurer of each 25378

school district shall, by the fifteenth day of January and July, 25379
furnish the ~~superintendent of public instruction~~ director of 25380
education and workforce a report of the names of each child who 25381
attended the district's schools under divisions (C) (2) and (3) 25382
of this section or section 3313.65 of the Revised Code during 25383
the preceding six calendar months, the duration of the 25384
attendance of those children, the school district responsible 25385
for tuition on behalf of the child, and any other information 25386
that the ~~superintendent~~ director requires. 25387

Upon receipt of the report the ~~superintendent~~ director, 25388
pursuant to division (C) of section 3317.023 of the Revised 25389
Code, shall deduct each district's tuition obligations under 25390
divisions (C) (2) and (3) of this section or section 3313.65 of 25391
the Revised Code and pay to the district of attendance that 25392
amount plus any amount required to be paid by the state. 25393

(K) In the event of a disagreement, the ~~superintendent of~~ 25394
~~public instruction~~ director of education and workforce shall 25395
determine the school district in which the parent resides. 25396

(L) Nothing in this section requires or authorizes, or 25397
shall be construed to require or authorize, the admission to a 25398
public school in this state of a pupil who has been permanently 25399
excluded from public school attendance by the ~~superintendent of~~ 25400
~~public instruction~~ director pursuant to sections 3301.121 and 25401
3313.662 of the Revised Code. 25402

(M) In accordance with division (B) (1) of this section, a 25403
child whose parent is a member of the national guard or a 25404
reserve unit of the armed forces of the United States and is 25405
called to active duty, or a child whose parent is a member of 25406
the armed forces of the United States and is ordered to a 25407
temporary duty assignment outside of the district, may continue 25408

to attend school in the district in which the child's parent 25409
lived before being called to active duty or ordered to a 25410
temporary duty assignment outside of the district, as long as 25411
the child's parent continues to be a resident of that district, 25412
and regardless of where the child lives as a result of the 25413
parent's active duty status or temporary duty assignment. 25414
However, the district is not responsible for providing 25415
transportation for the child if the child lives outside of the 25416
district as a result of the parent's active duty status or 25417
temporary duty assignment. 25418

Sec. 3313.642. (A) Except as provided in division (B) of 25419
this section and notwithstanding the provisions of sections 25420
3313.48 and 3313.64 of the Revised Code, the board of education 25421
of a city, exempted village, or local school district shall not 25422
be required to furnish, free of charge, to the pupils attending 25423
the public schools any materials used in a course of instruction 25424
with the exception of the necessary textbooks or electronic 25425
textbooks required to be furnished without charge pursuant to 25426
section 3329.06 of the Revised Code. The board may, however, 25427
make provision by appropriations transferred from the general 25428
fund of the district or otherwise for furnishing free of charge 25429
any materials used in a course of instruction to such pupils as 25430
it determines are in serious financial need of such materials. 25431

(B) No board of education of a school district shall 25432
charge a fee to a pupil who is eligible for a free lunch under 25433
the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 25434
1751, as amended, and the "Child Nutrition Act of 1966," 80 25435
Stat. 885, 42 U.S.C. 1771, as amended, for any materials needed 25436
to enable the pupil to participate fully in a course of 25437
instruction. The prohibition in this division against charging a 25438
fee does not apply to any fee charged for any of the following: 25439

(1) Any materials needed to enable a pupil to participate 25440
fully in extracurricular activities or in any pupil enrichment 25441
program that is not a course of instruction; 25442

(2) Any tools, equipment, and materials that are necessary 25443
for workforce-readiness training within a career-technical 25444
education program that, to the extent the tools, equipment, and 25445
materials are not consumed, may be retained by the student upon 25446
course completion. 25447

(C) Boards of education may adopt rules and regulations 25448
prescribing each of the following: 25449

(1) A schedule of fees for materials used in a course of 25450
instruction; 25451

(2) A schedule of charges which may be imposed upon pupils 25452
for the loss, damage, or destruction of school apparatus, 25453
equipment, musical instruments, library material, textbooks, or 25454
electronic textbooks required to be furnished without charge, 25455
and for damage to school buildings. 25456

Except as provided in division (D) of this section, boards 25457
of education may enforce the payment of such fees and charges by 25458
withholding the grades and credits of the pupils concerned. 25459

(D) No board of education shall withhold the grades, 25460
credits, official transcripts, diploma, IEPs, or 504 plans of a 25461
pupil for nonpayment of fees for materials used in a course of 25462
instruction imposed under division (C)(1) of this section, if a 25463
complaint has been filed at any time in a juvenile court 25464
alleging that the pupil is an abused, neglected, or dependent 25465
child or if the pupil has been adjudicated an abused, neglected, 25466
or dependent child. 25467

A board shall require that the grades, credits, official 25468

transcripts, IEPs, or 504 plan of a pupil described in this 25469
division be transferred immediately upon the receipt of either 25470
another district's or school's request for those records under 25471
section 3313.672 of the Revised Code or a juvenile judge's order 25472
under section 2151.272 of the Revised Code. 25473

A board that is required to transfer records under 25474
division (D) of this section may request a copy of any order 25475
regarding the child's custody or placement issued pursuant to a 25476
complaint filed under section 2151.27 of the Revised Code. 25477
However, a board shall not withhold records required to be 25478
transferred under that division pending receipt of a copy of the 25479
order. 25480

(E) Each board of education annually shall report to the 25481
department of education and workforce the number of pupils for 25482
whom the board sends transcripts under division (D) of this 25483
section and the total amount of unpaid fees lost due to 25484
compliance with that division. 25485

(F) As used in this section: 25486

(1) "IEP" has the same meaning as in section 3323.01 of 25487
the Revised Code. 25488

(2) "504 plan" means a plan based on an evaluation 25489
conducted in accordance with section 504 of the "Rehabilitation 25490
Act of 1973," 29 U.S.C. 794, as amended. 25491

Sec. 3313.643. Every student and teacher of a school, 25492
college, or other educational institution shall wear industrial 25493
quality eye protective devices at all times while participating 25494
in or observing any of the following courses: 25495

(A) Vocational, technical, industrial arts, fine arts, 25496
chemical, physical, or combined chemical-physical educational 25497

activities, involving exposure to:	25498
(1) Hot molten metals or other molten materials;	25499
(2) Milling, sawing, drilling, turning, shaping, cutting, grinding, buffing, or stamping of any solid materials;	25500 25501
(3) Heat treatment, tempering, or kiln firing of any metal or other materials;	25502 25503
(4) Gas or electric arc welding or other forms of welding processes;	25504 25505
(5) Repair or servicing of any vehicle;	25506
(6) Caustic or explosive materials † .	25507
(B) Chemical, physical, or combined chemical-physical laboratories involving caustic or explosive materials, hot liquids or solids, injurious radiations, or other hazards.	25508 25509 25510
Such devices may be furnished for all students and teachers, purchased and sold at cost to students and teachers, or made available for a moderate rental fee, and shall be furnished for all visitors to such shops and laboratories.	25511 25512 25513 25514
The superintendent of public instruction, director of <u>education and workforce</u> or any other appropriate educational authority designated by the superintendent <u>director</u> , shall prepare and circulate to each public and private educational institution in this state instructions and recommendations for implementing the eye safety provisions of this section. The bureau of workers' compensation shall ensure compliance with this section.	25515 25516 25517 25518 25519 25520 25521 25522
"Industrial quality eye protective devices" as used in this section, means devices meeting the standards of the	25523 25524

American national standard practice for occupational and 25525
educational eye and face protection, Z87.1-1968, approved by the 25526
American national standards institute, inc., and subsequent 25527
revisions thereof, provided such revisions are approved and 25528
adopted by the industrial commission. 25529

Sec. 3313.644. The board of education of any school 25530
district may contract with the state department of education and 25531
workforce or other state agency or with any agency of the 25532
federal government for the education or training of out-of- 25533
school youth or adults regardless of their place of residence. 25534
The board of education may permit the attendance, under such 25535
contract, of such students or trainees who are not residents of 25536
the school district only if the contract provides for the 25537
reimbursement to the school district of the entire actual cost 25538
of educating or training such nonresident students or trainees 25539
and regardless of the ratio of nonresident students or trainees 25540
to resident students or trainees. 25541

Sec. 3313.645. A board of education may admit to the 25542
schools of its district, free of any tuition obligation, any 25543
resident of the district not otherwise eligible to be admitted 25544
who meets criteria established by the ~~state board department of~~ 25545
education and workforce. The ~~state board department~~ shall adopt 25546
rules establishing criteria for the admission of persons to 25547
schools under this division. The rules may authorize 25548
restrictions or limitations on the classes or programs in which 25549
such persons may participate. 25550

For participation in vocational education programs the 25551
district operates or participates in pursuant to sections 25552
3313.90 and 3313.91 of the Revised Code, a board of education 25553
may admit the following individuals to the schools of its 25554

district free of any tuition obligation and without regard to 25555
age: 25556

(A) Any resident to the district who has successfully 25557
completed the individualized education program developed for the 25558
person by any high school pursuant to section 3323.08 of the 25559
Revised Code; 25560

(B) Any person employed by the district in a position for 25561
which a license issued by the state board of education under 25562
section 3319.22 to 3319.31 of the Revised Code is not required 25563
who seeks admission to a class or program related to the 25564
person's position and is authorized by the district's 25565
superintendent to be admitted to the class or program. The 25566
superintendent shall determine whether the class or program is 25567
related to the employee's position. 25568

Sec. 3313.646. (A) The board of education of a school 25569
district, except a cooperative education district established 25570
pursuant to section 3311.521 of the Revised Code, may establish 25571
and operate a program to provide services to preschool-age 25572
children, provided the board has demonstrated a need for the 25573
program. A board may use school funds in support of preschool 25574
programs. The board shall maintain, operate, and admit children 25575
to any such program pursuant to rules adopted by such board and 25576
the rules of the ~~state board~~ department of education and 25577
workforce adopted under sections 3301.52 to 3301.57 of the 25578
Revised Code. 25579

A board of education may establish fees or tuition, which 25580
may be graduated in proportion to family income, for 25581
participation in a preschool program. In cases where payment of 25582
fees or tuition would create a hardship for the child's parent 25583
or guardian, the board may waive any such fees or tuition. 25584

(B) No board of education that is not receiving funds 25585
under the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 25586
9831, on March 17, 1989, shall compete for funds under the "Head 25587
Start Act" with any grantee receiving funds under that act. 25588

(C) A board of education may contract with any of the 25589
following preschool providers to provide services to preschool- 25590
age children, other than those services for which the district 25591
is eligible to receive funding under section 3317.0213 of the 25592
Revised Code: 25593

(1) Any organization receiving funds under the "Head Start 25594
Act"; 25595

(2) Any nonsectarian eligible nonpublic school as defined 25596
in division (H) of section 3301.52 of the Revised Code; 25597

(3) Any child care provider licensed under Chapter 5104. 25598
of the Revised Code. 25599

Boards may contract to provide services to preschool-age 25600
children only with such organizations whose staff meet the 25601
requirements of rules adopted under section 3301.53 of the 25602
Revised Code or those of the child development associate 25603
credential established by the national association for the 25604
education of young children. 25605

(D) A contract entered into under division (C) of this 25606
section may provide for the board of education to lease school 25607
facilities to the preschool provider or to furnish 25608
transportation, utilities, or staff for the preschool program. 25609

(E) The treasurer of any board of education operating a 25610
preschool program pursuant to this section shall keep an account 25611
of all funds used to operate the program in the same manner as 25612
the treasurer would any other funds of the district pursuant to 25613

this chapter. 25614

Sec. 3313.647. As used in this division, "graduate" means 25615
a person who has received a diploma from a district pursuant to 25616
section 3313.61 of the Revised Code. 25617

Pursuant to rules adopted by the ~~state board~~ department of 25618
education and workforce, a city, local, exempted village, or 25619
joint vocational school district may establish a policy 25620
guaranteeing a specific level of competency of certain graduates 25621
of the district. The guarantee policy shall specify that any 25622
graduate meeting specified criteria established by the board is 25623
capable of performing specified functions at a level established 25624
in the policy. Any employer or potential employer of a graduate 25625
who is guaranteed under such a policy may submit a written 25626
statement to the board of education stating the guaranteed 25627
graduate of its district does not meet the level of competency 25628
specified in the district's guarantee policy. Upon receipt of 25629
such statement the board of education shall provide an 25630
opportunity for additional education to the graduate, regardless 25631
of the graduate's age or place of residence, until such 25632
individual attains the competency level specified in the policy. 25633
No fee shall be charged to any person or government entity for 25634
such additional education. A school board may expend school 25635
funds for a guarantee program; however, no student participating 25636
in the program shall be included in the formula ADM of the 25637
district as determined under section 3317.03 of the Revised Code 25638
or included as a participant in any other program, if such 25639
inclusion would result in additional state funds to the school 25640
district. 25641

The ~~state board of education~~ department shall adopt rules 25642
for the adoption of a policy under this section and for the 25643

additional education program described under this section. 25644

Sec. 3313.6410. This section applies to any school that is 25645
operated by a school district and in which the enrolled students 25646
work primarily on assignments in nonclassroom-based learning 25647
opportunities provided via an internet- or other computer-based 25648
instructional method. 25649

(A) Any school to which this section applies shall 25650
withdraw from the school any student who, for two consecutive 25651
school years of enrollment in the school, has failed to 25652
participate in the spring administration of any assessment 25653
prescribed under section 3301.0710 or 3301.0712 of the Revised 25654
Code for the student's grade level and was not excused from the 25655
assessment pursuant to division (C)(1) or (3) of section 25656
3301.0711 of the Revised Code, regardless of whether a waiver 25657
was granted for the student under division (E) of section 25658
3317.03 of the Revised Code. The school shall report any such 25659
student's data verification code, as assigned pursuant to 25660
section 3301.0714 of the Revised Code, to the department of 25661
education and workforce to be added to the list maintained by 25662
the department under section 3314.26 of the Revised Code. 25663

(B) No school to which this section applies shall receive 25664
any state funds under Chapter 3317. of the Revised Code for any 25665
enrolled student whose data verification code appears on the 25666
list maintained by the department under section 3314.26 of the 25667
Revised Code. Notwithstanding any provision of the Revised Code 25668
to the contrary, the parent of any such student shall pay 25669
tuition to the school district that operates the school in an 25670
amount equal to the state funds the district otherwise would 25671
receive for that student, as determined by the department. A 25672
school to which this section applies may withdraw any student 25673

for whom the parent does not pay tuition as required by this	25674
division.	25675
Sec. 3313.65. (A) As used in this section and section	25676
3313.64 of the Revised Code:	25677
(1) A person is "in a residential facility" if the person	25678
is a resident or a resident patient of an institution, home, or	25679
other residential facility that is:	25680
(a) Licensed as a nursing home, residential care facility,	25681
or home for the aging by the director of health under section	25682
3721.02 of the Revised Code;	25683
(b) Maintained as a county home or district home by the	25684
board of county commissioners or a joint board of county	25685
commissioners under Chapter 5155. of the Revised Code;	25686
(c) Operated or administered by a board of alcohol, drug	25687
addiction, and mental health services under section 340.037 of	25688
the Revised Code, or provides residential care pursuant to	25689
contracts made under section 340.036 of the Revised Code;	25690
(d) Maintained as a state institution for the mentally ill	25691
under Chapter 5119. of the Revised Code;	25692
(e) Licensed by the department of mental health and	25693
addiction services under section 5119.33 or 5119.34 of the	25694
Revised Code;	25695
(f) Licensed as a residential facility by the department	25696
of developmental disabilities under section 5123.19 of the	25697
Revised Code;	25698
(g) Operated by the veteran's administration or another	25699
agency of the United States government;	25700

(h) Operated by the Ohio veterans' home.	25701
(2) A person is "in a correctional facility" if any of the following apply:	25702
	25703
(a) The person is an Ohio resident and is:	25704
(i) Imprisoned, as defined in section 1.05 of the Revised Code;	25705
	25706
(ii) Serving a term in a community-based correctional facility or a district community-based correctional facility;	25707
	25708
(iii) Required, as a condition of parole, a post-release control sanction, a community control sanction, transitional control, or early release from imprisonment, as a condition of shock parole or shock probation granted under the law in effect prior to July 1, 1996, or as a condition of a furlough granted under the version of section 2967.26 of the Revised Code in effect prior to March 17, 1998, to reside in a halfway house or other community residential center licensed under section 2967.14 of the Revised Code or a similar facility designated by the court of common pleas that established the condition or by the adult parole authority.	25709
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(b) The person is imprisoned in a state correctional institution of another state or a federal correctional institution but was an Ohio resident at the time the sentence was imposed for the crime for which the person is imprisoned.	25720
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	25723
(3) A person is "in a juvenile residential placement" if the person is an Ohio resident who is under twenty-one years of age and has been removed, by the order of a juvenile court, from the place the person resided at the time the person became subject to the court's jurisdiction in the matter that resulted in the person's removal.	25724
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(4) "Community control sanction" has the same meaning as 25730
in section 2929.01 of the Revised Code. 25731

(5) "Post-release control sanction" has the same meaning 25732
as in section 2967.01 of the Revised Code. 25733

(B) If the circumstances described in division (C) of this 25734
section apply, the determination of what school district must 25735
admit a child to its schools and what district, if any, is 25736
liable for tuition shall be made in accordance with this 25737
section, rather than section 3313.64 of the Revised Code. 25738

(C) A child who does not reside in the school district in 25739
which the child's parent resides and for whom a tuition 25740
obligation previously has not been established under division 25741
(C) (2) of section 3313.64 of the Revised Code shall be admitted 25742
to the schools of the district in which the child resides if at 25743
least one of the child's parents is in a residential or 25744
correctional facility or a juvenile residential placement and 25745
the other parent, if living and not in such a facility or 25746
placement, is not known to reside in this state. 25747

(D) Regardless of who has custody or care of the child, 25748
whether the child resides in a home, or whether the child 25749
receives special education, if a district admits a child under 25750
division (C) of this section, tuition shall be paid to that 25751
district as follows: 25752

(1) If the child's parent is in a juvenile residential 25753
placement, by the district in which the child's parent resided 25754
at the time the parent became subject to the jurisdiction of the 25755
juvenile court; 25756

(2) If the child's parent is in a correctional facility, 25757
by the district in which the child's parent resided at the time 25758

the sentence was imposed; 25759

(3) If the child's parent is in a residential facility, by 25760
the district in which the parent resided at the time the parent 25761
was admitted to the residential facility, except that if the 25762
parent was transferred from another residential facility, 25763
tuition shall be paid by the district in which the parent 25764
resided at the time the parent was admitted to the facility from 25765
which the parent first was transferred; 25766

(4) In the event of a disagreement as to which school 25767
district is liable for tuition under division (C) (1), (2), or 25768
(3) of this section, the ~~superintendent of public instruction~~ 25769
director of education and workforce shall determine which 25770
district shall pay tuition. 25771

(E) If a child covered by division (D) of this section 25772
receives special education in accordance with Chapter 3323. of 25773
the Revised Code, the tuition shall be paid in accordance with 25774
section 3323.13 or 3323.14 of the Revised Code. Tuition for 25775
children who do not receive special education shall be paid in 25776
accordance with division (J) of section 3313.64 of the Revised 25777
Code. 25778

Sec. 3313.66. (A) (1) Except as provided under division (B) 25779
(2) of this section, and subject to section 3313.668 of the 25780
Revised Code, the superintendent of schools of a city, exempted 25781
village, or local school district, or the principal of a public 25782
school may suspend a pupil from school for not more than ten 25783
school days. The board of education of a city, exempted village, 25784
or local school district may adopt a policy granting assistant 25785
principals and other administrators the authority to suspend a 25786
pupil from school for a period of time as specified in the 25787
policy of the board of education, not to exceed ten school days. 25788

If at the time an out-of-school suspension is imposed there are 25789
fewer than ten school days remaining in the school year in which 25790
the incident that gives rise to the suspension takes place, the 25791
superintendent shall not apply any remaining part of the period 25792
of the suspension to the following school year. The 25793
superintendent may instead require the pupil to participate in a 25794
community service program or another alternative consequence for 25795
a number of hours equal to the remaining part of the period of 25796
the suspension. The pupil shall be required to begin the pupil's 25797
community service or alternative consequence during the first 25798
full week day of summer break. Each school district, in its 25799
discretion, may develop an appropriate list of alternative 25800
consequences. In the event that a pupil fails to complete 25801
community service or the assigned alternative consequence, the 25802
school district may determine the next course of action, which 25803
shall not include requiring the pupil to serve the remaining 25804
time of the out-of-school suspension at the beginning of the 25805
following school year. 25806

No pupil shall be issued an out-of-school suspension 25807
unless prior to the suspension the superintendent or principal 25808
does both of the following: 25809

(a) Gives the pupil written notice of the intention to 25810
suspend the pupil and the reasons for the intended suspension 25811
and, if the proposed suspension is based on a violation listed 25812
in division (A) of section 3313.662 of the Revised Code and if 25813
the pupil is sixteen years of age or older, includes in the 25814
notice a statement that the superintendent may seek to 25815
permanently exclude the pupil if the pupil is convicted of or 25816
adjudicated a delinquent child for that violation; 25817

(b) Provides the pupil an opportunity to appear at an 25818

informal hearing before the principal, assistant principal, 25819
superintendent, or superintendent's designee and challenge the 25820
reason for the intended suspension or otherwise to explain the 25821
pupil's actions. 25822

(2) If a pupil is issued an in-school suspension, the 25823
superintendent or principal shall ensure the pupil is serving 25824
the suspension in a supervised learning environment. 25825

(3) Each school district board shall adopt a policy 25826
establishing parameters for completing and grading assignments 25827
missed because of a pupil's suspension. 25828

(a) The policy shall provide the pupil an opportunity to 25829
do both of the following: 25830

(i) Complete any classroom assignments missed because of 25831
the suspension; 25832

(ii) Receive at least partial credit for a completed 25833
assignment. 25834

(b) The policy may permit grade reductions on account of 25835
the pupil's suspension. 25836

(c) The policy shall prohibit the receipt of a failing 25837
grade on a completed assignment solely on account of the pupil's 25838
suspension. 25839

(B) (1) Except as provided under division (B) (2), (3), or 25840
(4) of this section, and subject to section 3313.668 of the 25841
Revised Code, the superintendent of schools of a city, exempted 25842
village, or local school district may expel a pupil from school 25843
for a period not to exceed the greater of eighty school days or 25844
the number of school days remaining in the semester or term in 25845
which the incident that gives rise to the expulsion takes place, 25846

unless the expulsion is extended pursuant to division (F) of 25847
this section. If at the time an expulsion is imposed there are 25848
fewer than eighty school days remaining in the school year in 25849
which the incident that gives rise to the expulsion takes place, 25850
the superintendent may apply any remaining part or all of the 25851
period of the expulsion to the following school year. 25852

(2) (a) Unless a pupil is permanently excluded pursuant to 25853
section 3313.662 of the Revised Code, the superintendent of 25854
schools of a city, exempted village, or local school district 25855
shall expel a pupil from school for a period of one year for 25856
bringing a firearm to a school operated by the board of 25857
education of the district or onto any other property owned or 25858
controlled by the board, except that the superintendent may 25859
reduce this requirement on a case-by-case basis in accordance 25860
with the policy adopted by the board under section 3313.661 of 25861
the Revised Code. 25862

(b) The superintendent of schools of a city, exempted 25863
village, or local school district may expel a pupil from school 25864
for a period of one year for bringing a firearm to an 25865
interscholastic competition, an extracurricular event, or any 25866
other school program or activity that is not located in a school 25867
or on property that is owned or controlled by the district. The 25868
superintendent may reduce this disciplinary action on a case-by- 25869
case basis in accordance with the policy adopted by the board 25870
under section 3313.661 of the Revised Code. 25871

(c) Any expulsion pursuant to division (B) (2) of this 25872
section shall extend, as necessary, into the school year 25873
following the school year in which the incident that gives rise 25874
to the expulsion takes place. As used in this division, 25875
"firearm" has the same meaning as provided pursuant to the "Gun- 25876

Free Schools Act," 115 Stat. 1762, 20 U.S.C. 7151. 25877

(3) The board of education of a city, exempted village, or 25878
local school district may adopt a resolution authorizing the 25879
superintendent of schools to expel a pupil from school for a 25880
period not to exceed one year for bringing a knife capable of 25881
causing serious bodily injury to a school operated by the board, 25882
onto any other property owned or controlled by the board, or to 25883
an interscholastic competition, an extracurricular event, or any 25884
other program or activity sponsored by the school district or in 25885
which the district is a participant, or for possessing a firearm 25886
or knife capable of serious bodily injury, at a school, on any 25887
other property owned or controlled by the board, or at an 25888
interscholastic competition, an extracurricular event, or any 25889
other school program or activity, which firearm or knife was 25890
initially brought onto school board property by another person. 25891
The resolution may authorize the superintendent to extend such 25892
an expulsion, as necessary, into the school year following the 25893
school year in which the incident that gives rise to the 25894
expulsion takes place. 25895

(4) The board of education of a city, exempted village, or 25896
local school district may adopt a resolution establishing a 25897
policy under section 3313.661 of the Revised Code that 25898
authorizes the superintendent of schools to expel a pupil from 25899
school for a period not to exceed one year for committing an act 25900
that is a criminal offense when committed by an adult and that 25901
results in serious physical harm to persons as defined in 25902
division (A) (5) of section 2901.01 of the Revised Code or 25903
serious physical harm to property as defined in division (A) (6) 25904
of section 2901.01 of the Revised Code while the pupil is at 25905
school, on any other property owned or controlled by the board, 25906
or at an interscholastic competition, an extracurricular event, 25907

or any other school program or activity. Any expulsion under 25908
this division shall extend, as necessary, into the school year 25909
following the school year in which the incident that gives rise 25910
to the expulsion takes place. 25911

(5) The board of education of any city, exempted village, 25912
or local school district may adopt a resolution establishing a 25913
policy under section 3313.661 of the Revised Code that 25914
authorizes the superintendent of schools to expel a pupil from 25915
school for a period not to exceed one year for making a bomb 25916
threat to a school building or to any premises at which a school 25917
activity is occurring at the time of the threat. Any expulsion 25918
under this division shall extend, as necessary, into the school 25919
year following the school year in which the incident that gives 25920
rise to the expulsion takes place. 25921

(6) No pupil shall be expelled under division (B) (1), (2), 25922
(3), (4), or (5) of this section unless, prior to the pupil's 25923
expulsion, the superintendent does both of the following: 25924

(a) Gives the pupil and the pupil's parent, guardian, or 25925
custodian written notice of the intention to expel the pupil; 25926

(b) Provides the pupil and the pupil's parent, guardian, 25927
custodian, or representative an opportunity to appear in person 25928
before the superintendent or the superintendent's designee to 25929
challenge the reasons for the intended expulsion or otherwise to 25930
explain the pupil's actions. 25931

The notice required in this division shall include the 25932
reasons for the intended expulsion, notification of the 25933
opportunity of the pupil and the pupil's parent, guardian, 25934
custodian, or representative to appear before the superintendent 25935
or the superintendent's designee to challenge the reasons for 25936

the intended expulsion or otherwise to explain the pupil's 25937
action, and notification of the time and place to appear. The 25938
time to appear shall not be earlier than three nor later than 25939
five school days after the notice is given, unless the 25940
superintendent grants an extension of time at the request of the 25941
pupil or the pupil's parent, guardian, custodian, or 25942
representative. If an extension is granted after giving the 25943
original notice, the superintendent shall notify the pupil and 25944
the pupil's parent, guardian, custodian, or representative of 25945
the new time and place to appear. If the proposed expulsion is 25946
based on a violation listed in division (A) of section 3313.662 25947
of the Revised Code and if the pupil is sixteen years of age or 25948
older, the notice shall include a statement that the 25949
superintendent may seek to permanently exclude the pupil if the 25950
pupil is convicted of or adjudicated a delinquent child for that 25951
violation. 25952

(7) A superintendent of schools of a city, exempted 25953
village, or local school district shall initiate expulsion 25954
proceedings pursuant to this section with respect to any pupil 25955
who has committed an act warranting expulsion under the 25956
district's policy regarding expulsion even if the pupil has 25957
withdrawn from school for any reason after the incident that 25958
gives rise to the hearing but prior to the hearing or decision 25959
to impose the expulsion. If, following the hearing, the pupil 25960
would have been expelled for a period of time had the pupil 25961
still been enrolled in the school, the expulsion shall be 25962
imposed for the same length of time as on a pupil who has not 25963
withdrawn from the school. 25964

(C) (1) Subject to division (C) (2) of this section, if a 25965
pupil's presence poses a continuing danger to persons or 25966
property or an ongoing threat of disrupting the academic process 25967

taking place either within a classroom or elsewhere on the school premises, the superintendent or a principal or assistant principal may remove a pupil from curricular activities or from the school premises, and a teacher may remove a pupil from curricular activities under the teacher's supervision, without the notice and hearing requirements of division (A) or (B) of this section. As soon as practicable after making such a removal, the teacher shall submit in writing to the principal the reasons for such removal.

(2) A pupil in any of grades pre-kindergarten through three may be removed pursuant to division (C) (1) of this section only for the remainder of the school day and shall be permitted to return to curricular and extracurricular activities on the school day following the day in which the student was removed.

(a) A school district or school that returns a student in any of grades pre-kindergarten through three to curricular and extracurricular activities on the next school day shall not be required to follow division (C) (3) of this section with regard to that student.

(b) A school district shall not initiate a suspension or expulsion proceeding against a student in any of grades pre-kindergarten through three who was removed from a curricular or extracurricular activity under division (C) of this section unless the student has committed an act described in division (B) (1) (a) or (b) of section 3313.668 of the Revised Code.

(3) If a pupil is removed under division (C) (1) or (2) of this section from a curricular activity or from the school premises, written notice of the hearing and of the reason for the removal shall be given to the pupil as soon as practicable prior to the hearing, which shall be held on the next school day

after the initial removal is ordered. The hearing shall be held 25998
in accordance with division (A) of this section unless it is 25999
probable that the pupil may be subject to expulsion, in which 26000
case a hearing in accordance with division (B) of this section 26001
shall be held, except that the hearing shall be held on the next 26002
school day after the date of the initial removal. The individual 26003
who ordered, caused, or requested the removal to be made shall 26004
be present at the hearing. 26005

(4) If the superintendent or the principal reinstates a 26006
pupil in a curricular activity under the teacher's supervision 26007
prior to the hearing following a removal under this division, 26008
the teacher, upon request, shall be given in writing the reasons 26009
for such reinstatement. 26010

(D) The superintendent or principal, within one school day 26011
after the time of a pupil's expulsion or suspension, shall 26012
notify in writing the parent, guardian, or custodian of the 26013
pupil of the expulsion or suspension. In the case of an 26014
expulsion, the superintendent or principal, within one school 26015
day after the time of a pupil's expulsion, also shall notify in 26016
writing the treasurer of the board of education. Each notice 26017
shall include the reasons for the expulsion or suspension, 26018
notification of the right of the pupil or the pupil's parent, 26019
guardian, or custodian to appeal the expulsion or suspension to 26020
the board of education or to its designee, to be represented in 26021
all appeal proceedings, to be granted a hearing before the board 26022
or its designee in order to be heard against the suspension or 26023
expulsion, and to request that the hearing be held in executive 26024
session, notification that the expulsion may be subject to 26025
extension pursuant to division (F) of this section if the pupil 26026
is sixteen years of age or older, and notification that the 26027
superintendent may seek the pupil's permanent exclusion if the 26028

suspension or expulsion was based on a violation listed in 26029
division (A) of section 3313.662 of the Revised Code that was 26030
committed when the child was sixteen years of age or older and 26031
if the pupil is convicted of or adjudicated a delinquent child 26032
for that violation. 26033

In accordance with the policy adopted by the board of 26034
education under section 3313.661 of the Revised Code, the notice 26035
provided under this division shall specify the manner and date 26036
by which the pupil or the pupil's parent, guardian, or custodian 26037
shall notify the board of the pupil's, parent's, guardian's, or 26038
custodian's intent to appeal the expulsion or suspension to the 26039
board or its designee. 26040

Any superintendent expelling a pupil under this section 26041
for more than twenty school days or for any period of time if 26042
the expulsion will extend into the following semester or school 26043
year shall, in the notice required under this division, provide 26044
the pupil and the pupil's parent, guardian, or custodian with 26045
information about services or programs offered by public and 26046
private agencies that work toward improving those aspects of the 26047
pupil's attitudes and behavior that contributed to the incident 26048
that gave rise to the pupil's expulsion. The information shall 26049
include the names, addresses, and phone numbers of the 26050
appropriate public and private agencies. 26051

(E) A pupil or the pupil's parent, guardian, or custodian 26052
may appeal the pupil's expulsion by a superintendent or 26053
suspension by a superintendent, principal, assistant principal, 26054
or other administrator to the board of education or to its 26055
designee. If the pupil or the pupil's parent, guardian, or 26056
custodian intends to appeal the expulsion or suspension to the 26057
board or its designee, the pupil or the pupil's parent, 26058

guardian, or custodian shall notify the board in the manner and 26059
by the date specified in the notice provided under division (D) 26060
of this section. The pupil or the pupil's parent, guardian, or 26061
custodian may be represented in all appeal proceedings and shall 26062
be granted a hearing before the board or its designee in order 26063
to be heard against the suspension or expulsion. At the request 26064
of the pupil or of the pupil's parent, guardian, custodian, or 26065
attorney, the board or its designee may hold the hearing in 26066
executive session but shall act upon the suspension or expulsion 26067
only at a public meeting. The board, by a majority vote of its 26068
full membership or by the action of its designee, may affirm the 26069
order of suspension or expulsion, reinstate the pupil, or 26070
otherwise reverse, vacate, or modify the order of suspension or 26071
expulsion. 26072

The board or its designee shall make a verbatim record of 26073
hearings held under this division. The decisions of the board or 26074
its designee may be appealed under Chapter 2506. of the Revised 26075
Code. 26076

This section shall not be construed to require notice and 26077
hearing in accordance with division (A), (B), or (C) of this 26078
section in the case of normal disciplinary procedures in which a 26079
pupil is removed from a curricular activity for a period of less 26080
than one school day and is not subject to suspension or 26081
expulsion. 26082

(F) (1) If a pupil is expelled pursuant to division (B) of 26083
this section for committing any violation listed in division (A) 26084
of section 3313.662 of the Revised Code and the pupil was 26085
sixteen years of age or older at the time of committing the 26086
violation, if a complaint, indictment, or information is filed 26087
alleging that the pupil is a delinquent child based upon the 26088

commission of the violation or the pupil is prosecuted as an 26089
adult for the commission of the violation, and if the resultant 26090
juvenile court or criminal proceeding is pending at the time 26091
that the expulsion terminates, the superintendent of schools 26092
that expelled the pupil may file a motion with the court in 26093
which the proceeding is pending requesting an order extending 26094
the expulsion for the lesser of an additional eighty days or the 26095
number of school days remaining in the school year. Upon the 26096
filing of the motion, the court immediately shall schedule a 26097
hearing and give written notice of the time, date, and location 26098
of the hearing to the superintendent and to the pupil and the 26099
pupil's parent, guardian, or custodian. At the hearing, the 26100
court shall determine whether there is reasonable cause to 26101
believe that the pupil committed the alleged violation that is 26102
the basis of the expulsion and, upon determining that reasonable 26103
cause to believe the pupil committed the violation does exist, 26104
shall grant the requested extension. 26105

(2) If a pupil has been convicted of or adjudicated a 26106
delinquent child for a violation listed in division (A) of 26107
section 3313.662 of the Revised Code for an act that was 26108
committed when the child was sixteen years of age or older, if 26109
the pupil has been expelled pursuant to division (B) of this 26110
section for that violation, and if the board of education of the 26111
school district of the school from which the pupil was expelled 26112
has adopted a resolution seeking the pupil's permanent 26113
exclusion, the superintendent may file a motion with the court 26114
that convicted the pupil or adjudicated the pupil a delinquent 26115
child requesting an order to extend the expulsion until an 26116
adjudication order or other determination regarding permanent 26117
exclusion is issued by the ~~superintendent of public instruction~~ 26118
director of education and workforce pursuant to section 3301.121 26119

and division (D) of section 3313.662 of the Revised Code. Upon 26120
the filing of the motion, the court immediately shall schedule a 26121
hearing and give written notice of the time, date, and location 26122
of the hearing to the superintendent of the school district, the 26123
pupil, and the pupil's parent, guardian, or custodian. At the 26124
hearing, the court shall determine whether there is reasonable 26125
cause to believe the pupil's continued attendance in the public 26126
school system may endanger the health and safety of other pupils 26127
or school employees and, upon making that determination, shall 26128
grant the requested extension. 26129

(G) The failure of the superintendent or the board of 26130
education to provide the information regarding the possibility 26131
of permanent exclusion in the notice required by divisions (A), 26132
(B), and (D) of this section is not jurisdictional, and the 26133
failure shall not affect the validity of any suspension or 26134
expulsion procedure that is conducted in accordance with this 26135
section or the validity of a permanent exclusion procedure that 26136
is conducted in accordance with sections 3301.121 and 3313.662 26137
of the Revised Code. 26138

(H) With regard to suspensions and expulsions pursuant to 26139
divisions (A) and (B) of this section by the board of education 26140
of any city, exempted village, or local school district, this 26141
section shall apply to any student, whether or not the student 26142
is enrolled in the district, attending or otherwise 26143
participating in any curricular program provided in a school 26144
operated by the board or provided on any other property owned or 26145
controlled by the board. 26146

(I) Whenever a student is expelled under this section, the 26147
expulsion shall result in removal of the student from the 26148
student's regular school setting. However, during the period of 26149

the expulsion, the board of education of the school district 26150
that expelled the student or any board of education admitting 26151
the student during that expulsion period may provide educational 26152
services to the student in an alternative setting. 26153

(J) (1) Notwithstanding sections 3109.51 to 3109.80, 26154
3313.64, and 3313.65 of the Revised Code, any school district, 26155
after offering an opportunity for a hearing, may temporarily 26156
deny admittance to any pupil if one of the following applies: 26157

(a) The pupil has been suspended from the schools of 26158
another district under division (A) of this section and the 26159
period of suspension, as established under that division, has 26160
not expired; 26161

(b) The pupil has been expelled from the schools of 26162
another district under division (B) of this section and the 26163
period of the expulsion, as established under that division or 26164
as extended under division (F) of this section, has not expired. 26165

If a pupil is temporarily denied admission under this 26166
division, the pupil shall be admitted to school in accordance 26167
with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the 26168
Revised Code no later than upon expiration of the suspension or 26169
expulsion period, as applicable. 26170

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 26171
and 3313.65 of the Revised Code, any school district, after 26172
offering an opportunity for a hearing, may temporarily deny 26173
admittance to any pupil if the pupil has been expelled or 26174
otherwise removed for disciplinary purposes from a public school 26175
in another state and the period of expulsion or removal has not 26176
expired. If a pupil is temporarily denied admission under this 26177
division, the pupil shall be admitted to school in accordance 26178

with sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised Code no later than the earlier of the following:

(a) Upon expiration of the expulsion or removal period imposed by the out-of-state school;

(b) Upon expiration of a period established by the district, beginning with the date of expulsion or removal from the out-of-state school, that is no greater than the period of expulsion that the pupil would have received under the policy adopted by the district under section 3313.661 of the Revised Code had the offense that gave rise to the expulsion or removal by the out-of-state school been committed while the pupil was enrolled in the district.

(K) As used in this section:

(1) "Permanently exclude" and "permanent exclusion" have the same meanings as in section 3313.662 of the Revised Code.

(2) "In-school suspension" means the pupil will serve all of the suspension in a supervised learning environment within a school setting.

Sec. 3313.662. (A) The ~~superintendent of public~~ instruction director of education and workforce, pursuant to this section and the adjudication procedures of section 3301.121 of the Revised Code, may issue an adjudication order that permanently excludes a pupil from attending any of the public schools of this state if the pupil is convicted of, or adjudicated a delinquent child for, committing, when the pupil was sixteen years of age or older, an act that would be a criminal offense if committed by an adult and if the act is any of the following:

(1) A violation of section 2923.122 of the Revised Code;

(2) A violation of section 2923.12 of the Revised Code, of 26208
a substantially similar municipal ordinance, or of section 26209
2925.03 of the Revised Code that was committed on property owned 26210
or controlled by, or at an activity held under the auspices of, 26211
a board of education of a city, local, exempted village, or 26212
joint vocational school district; 26213

(3) A violation of section 2925.11 of the Revised Code, 26214
other than a violation of that section that would be a minor 26215
drug possession offense, that was committed on property owned or 26216
controlled by, or at an activity held under the auspices of, the 26217
board of education of a city, local, exempted village, or joint 26218
vocational school district; 26219

(4) A violation of section 2903.01, 2903.02, 2903.03, 26220
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 26221
section 2907.12 of the Revised Code that was committed on 26222
property owned or controlled by, or at an activity held under 26223
the auspices of, a board of education of a city, local, exempted 26224
village, or joint vocational school district, if the victim at 26225
the time of the commission of the act was an employee of that 26226
board of education; 26227

(5) Complicity in any violation described in division (A) 26228
(1), (2), (3), or (4) of this section that was alleged to have 26229
been committed in the manner described in division (A) (1), (2), 26230
(3), or (4) of this section, regardless of whether the act of 26231
complicity was committed on property owned or controlled by, or 26232
at an activity held under the auspices of, a board of education 26233
of a city, local, exempted village, or joint vocational school 26234
district. 26235

(B) A pupil may be suspended or expelled in accordance 26236
with section 3313.66 of the Revised Code prior to being 26237

permanently excluded from public school attendance under this 26238
section and section 3301.121 of the Revised Code. 26239

(C) (1) If the superintendent of a city, local, exempted 26240
village, or joint vocational school district in which a pupil 26241
attends school obtains or receives proof that the pupil has been 26242
convicted of committing when the pupil was sixteen years of age 26243
or older a violation listed in division (A) of this section or 26244
adjudicated a delinquent child for the commission when the pupil 26245
was sixteen years of age or older of a violation listed in 26246
division (A) of this section, the superintendent may issue to 26247
the board of education of the school district a request that the 26248
pupil be permanently excluded from public school attendance, if 26249
both of the following apply: 26250

(a) After obtaining or receiving proof of the conviction 26251
or adjudication, the superintendent or the superintendent's 26252
designee determines that the pupil's continued attendance in 26253
school may endanger the health and safety of other pupils or 26254
school employees and gives the pupil and the pupil's parent, 26255
guardian, or custodian written notice that the superintendent 26256
intends to recommend to the board of education that the board 26257
adopt a resolution requesting the ~~superintendent of public~~ 26258
~~instruction~~ director of education and workforce to permanently 26259
exclude the pupil from public school attendance. 26260

(b) The superintendent or the superintendent's designee 26261
forwards to the board of education the superintendent's written 26262
recommendation that includes the determinations the 26263
superintendent or designee made pursuant to division (C) (1) (a) 26264
of this section and a copy of the proof the superintendent 26265
received showing that the pupil has been convicted of or 26266
adjudicated a delinquent child for a violation listed in 26267

division (A) of this section that was committed when the pupil 26268
was sixteen years of age or older. 26269

(2) Within fourteen days after receipt of a recommendation 26270
from the superintendent pursuant to division (C)(1)(b) of this 26271
section that a pupil be permanently excluded from public school 26272
attendance, the board of education of a city, local, exempted 26273
village, or joint vocational school district, after review and 26274
consideration of all of the following available information, may 26275
adopt a resolution requesting the ~~superintendent of public~~ 26276
~~instruction~~ director of education and workforce to permanently 26277
exclude the pupil who is the subject of the recommendation from 26278
public school attendance: 26279

(a) The academic record of the pupil and a record of any 26280
extracurricular activities in which the pupil previously was 26281
involved; 26282

(b) The disciplinary record of the pupil and any available 26283
records of the pupil's prior behavioral problems other than the 26284
behavioral problems contained in the disciplinary record; 26285

(c) The social history of the pupil; 26286

(d) The pupil's response to the imposition of prior 26287
discipline and sanctions imposed for behavioral problems; 26288

(e) Evidence regarding the seriousness of and any 26289
aggravating factors related to the offense that is the basis of 26290
the resolution seeking permanent exclusion; 26291

(f) Any mitigating circumstances surrounding the offense 26292
that gave rise to the request for permanent exclusion; 26293

(g) Evidence regarding the probable danger posed to the 26294
health and safety of other pupils or of school employees by the 26295

continued presence of the pupil in a public school setting; 26296

(h) Evidence regarding the probable disruption of the 26297
teaching of any school district's graded course of study by the 26298
continued presence of the pupil in a public school setting; 26299

(i) Evidence regarding the availability of alternative 26300
sanctions of a less serious nature than permanent exclusion that 26301
would enable the pupil to remain in a public school setting 26302
without posing a significant danger to the health and safety of 26303
other pupils or of school employees and without posing a threat 26304
of the disruption of the teaching of any district's graded 26305
course of study. 26306

(3) If the board does not adopt a resolution requesting 26307
the ~~superintendent of public instruction~~ director to permanently 26308
exclude the pupil, it immediately shall send written notice of 26309
that fact to the district superintendent who sought the 26310
resolution, to the pupil who was the subject of the proposed 26311
resolution, and to that pupil's parent, guardian, or custodian. 26312

(D) (1) Upon adoption of a resolution under division (C) of 26313
this section, the board of education immediately shall forward 26314
to the ~~superintendent of public instruction~~ director of 26315
education and workforce the written resolution, proof of the 26316
conviction or adjudication that is the basis of the resolution, 26317
a copy of the pupil's entire school record, and any other 26318
relevant information and shall forward a copy of the resolution 26319
to the pupil who is the subject of the recommendation and to 26320
that pupil's parent, guardian, or custodian. 26321

(2) The board of education that adopted and forwarded the 26322
resolution requesting the permanent exclusion of the pupil to 26323
the ~~superintendent of public instruction~~ director promptly shall 26324

designate a representative of the school district to present the case for permanent exclusion to the superintendent or the referee appointed by the superintendent. The representative of the school district may be an attorney admitted to the practice of law in this state. At the adjudication hearing held pursuant to section 3301.121 of the Revised Code, the representative of the school district shall present evidence in support of the requested permanent exclusion.

(3) Upon receipt of a board of education's resolution requesting the permanent exclusion of a pupil from public school attendance, the ~~superintendent of public instruction~~director, in accordance with the adjudication procedures of section 3301.121 of the Revised Code, promptly shall issue an adjudication order that either permanently excludes the pupil from attending any of the public schools of this state or that rejects the resolution of the board of education.

(E) Notwithstanding any provision of section 3313.64 of the Revised Code or an order of any court of this state that otherwise requires the admission of the pupil to a school, no school official in a city, local, exempted village, or joint vocational school district knowingly shall admit to any school in the school district a pupil who has been permanently excluded from public school attendance by the ~~superintendent of public instruction~~director of education and workforce.

(F) (1) (a) Upon determining that the school attendance of a pupil who has been permanently excluded from public school attendance no longer will endanger the health and safety of other students or school employees, the superintendent of any city, local, exempted village, or joint vocational school district in which the pupil desires to attend school may issue

to the board of education of the school district a 26355
recommendation, including the reasons for the recommendation, 26356
that the permanent exclusion of a pupil be revoked and the pupil 26357
be allowed to return to the public schools of the state. 26358

If any violation which in whole or in part gave rise to 26359
the permanent exclusion of any pupil involved the pupil's 26360
bringing a firearm to a school operated by the board of 26361
education of a school district or onto any other property owned 26362
or operated by such a board, no superintendent shall recommend 26363
under this division an effective date for the revocation of the 26364
pupil's permanent exclusion that is less than one year after the 26365
date on which the last such firearm incident occurred. However, 26366
on a case-by-case basis, a superintendent may recommend an 26367
earlier effective date for such a revocation for any of the 26368
reasons for which the superintendent may reduce the one-year 26369
expulsion requirement in division (B) (2) of section 3313.66 of 26370
the Revised Code. 26371

(b) Upon receipt of the recommendation of the 26372
superintendent that a permanent exclusion of a pupil be revoked, 26373
the board of education of a city, local, exempted village, or 26374
joint vocational school district may adopt a resolution by a 26375
majority vote of its members requesting the ~~superintendent of~~ 26376
~~public instruction~~ director of education and workforce to revoke 26377
the permanent exclusion of the pupil. Upon adoption of the 26378
resolution, the board of education shall forward a copy of the 26379
resolution, the reasons for the resolution, and any other 26380
relevant information to the ~~superintendent of public~~ 26381
~~instruction~~ director. 26382

(c) Upon receipt of a resolution of a board of education 26383
requesting the revocation of a permanent exclusion of a pupil, 26384

the ~~superintendent of public instruction~~director, in accordance 26385
with the adjudication procedures of Chapter 119. of the Revised 26386
Code, shall issue an adjudication order that revokes the 26387
permanent exclusion of the pupil from public school attendance 26388
or that rejects the resolution of the board of education. 26389

(2) (a) A pupil who has been permanently excluded pursuant 26390
to this section and section 3301.121 of the Revised Code may 26391
request the superintendent of any city, local, exempted village, 26392
or joint vocational school district in which the pupil desires 26393
to attend school to admit the pupil on a probationary basis for 26394
a period not to exceed ninety school days. Upon receiving the 26395
request, the superintendent may enter into discussions with the 26396
pupil and with the pupil's parent, guardian, or custodian or a 26397
person designated by the pupil's parent, guardian, or custodian 26398
to develop a probationary admission plan designed to assist the 26399
pupil's probationary admission to the school. The plan may 26400
include a treatment program, a behavioral modification program, 26401
or any other program reasonably designed to meet the educational 26402
needs of the child and the disciplinary requirements of the 26403
school. 26404

If any violation which in whole or in part gave rise to 26405
the permanent exclusion of the pupil involved the pupil's 26406
bringing a firearm to a school operated by the board of 26407
education of any school district or onto any other property 26408
owned or operated by such a board, no plan developed under this 26409
division for the pupil shall include an effective date for the 26410
probationary admission of the pupil that is less than one year 26411
after the date on which the last such firearm incident occurred 26412
except that on a case-by-case basis, a plan may include an 26413
earlier effective date for such an admission for any of the 26414
reasons for which the superintendent of the district may reduce 26415

the one-year expulsion requirement in division (B) (2) of section 26416
3313.66 of the Revised Code. 26417

(b) If the superintendent of a school district, a pupil, 26418
and the pupil's parent, guardian, or custodian or a person 26419
designated by the pupil's parent, guardian, or custodian agree 26420
upon a probationary admission plan prepared pursuant to division 26421
(F) (2) (a) of this section, the superintendent of the school 26422
district shall issue to the board of education of the school 26423
district a recommendation that the pupil be allowed to attend 26424
school within the school district under probationary admission, 26425
the reasons for the recommendation, and a copy of the agreed 26426
upon probationary admission plan. Within fourteen days after the 26427
board of education receives the recommendation, reasons, and 26428
plan, the board may adopt the recommendation by a majority vote 26429
of its members. If the board adopts the recommendation, the 26430
pupil may attend school under probationary admission within that 26431
school district for a period not to exceed ninety days or any 26432
additional probationary period permitted under divisions (F) (2) 26433
(d) and (e) of this section in accordance with the probationary 26434
admission plan prepared pursuant to division (F) (2) (a) of this 26435
section. 26436

(c) If a pupil who is permitted to attend school under 26437
probationary admission pursuant to division (F) (2) (b) of this 26438
section fails to comply with the probationary admission plan 26439
prepared pursuant to division (F) (2) (a) of this section, the 26440
superintendent of the school district immediately may remove the 26441
pupil from the school and issue to the board of education of the 26442
school district a recommendation that the probationary admission 26443
be revoked. Within five days after the board of education 26444
receives the recommendation, the board may adopt the 26445
recommendation to revoke the pupil's probationary admission by a 26446

majority vote of its members. If a majority of the board does 26447
not adopt the recommendation to revoke the pupil's probationary 26448
admission, the pupil shall continue to attend school in 26449
compliance with the pupil's probationary admission plan. 26450

(d) If a pupil who is permitted to attend school under 26451
probationary admission pursuant to division (F)(2)(b) of this 26452
section complies with the probationary admission plan prepared 26453
pursuant to division (F)(2)(a) of this section, the pupil or the 26454
pupil's parent, guardian, or custodian, at any time before the 26455
expiration of the ninety-day probationary admission period, may 26456
request the superintendent of the school district to extend the 26457
terms and period of the pupil's probationary admission for a 26458
period not to exceed ninety days or to issue a recommendation 26459
pursuant to division (F)(1) of this section that the pupil's 26460
permanent exclusion be revoked and the pupil be allowed to 26461
return to the public schools of this state. 26462

(e) If a pupil is granted an extension of the pupil's 26463
probationary admission pursuant to division (F)(2)(d) of this 26464
section, the pupil or the pupil's parent, guardian, or 26465
custodian, in the manner described in that division, may 26466
request, and the superintendent and board, in the manner 26467
described in that division, may recommend and grant, subsequent 26468
probationary admission periods not to exceed ninety days each. 26469
If a pupil who is permitted to attend school under an extension 26470
of a probationary admission plan complies with the probationary 26471
admission plan prepared pursuant to the extension, the pupil or 26472
the pupil's parent, guardian, or custodian may request a 26473
revocation of the pupil's permanent exclusion in the manner 26474
described in division (F)(2)(d) of this section. 26475

(f) Any extension of a probationary admission requested by 26476

a pupil or a pupil's parent, guardian, or custodian pursuant to 26477
divisions (F) (2) (d) or (e) of this section shall be subject to 26478
the adoption and approval of a probationary admission plan in 26479
the manner described in divisions (F) (2) (a) and (b) of this 26480
section and may be terminated as provided in division (F) (2) (c) 26481
of this section. 26482

(g) If the pupil has complied with any probationary 26483
admission plan and the superintendent issues a recommendation 26484
that seeks revocation of the pupil's permanent exclusion 26485
pursuant to division (F) (1) of this section, the pupil's 26486
compliance with any probationary admission plan may be 26487
considered along with other relevant factors in any 26488
determination or adjudication conducted pursuant to division (F) 26489
(1) of this section. 26490

(G) (1) Except as provided in division (G) (2) of this 26491
section, any information regarding the permanent exclusion of a 26492
pupil shall be included in the pupil's official records and 26493
shall be included in any records sent to any school district 26494
that requests the pupil's records. 26495

(2) When a pupil who has been permanently excluded from 26496
public school attendance reaches the age of twenty-two or when 26497
the permanent exclusion of a pupil has been revoked, all school 26498
districts that maintain records regarding the pupil's permanent 26499
exclusion shall remove all references to the exclusion from the 26500
pupil's file and shall destroy them. 26501

A pupil who has reached the age of twenty-two or whose 26502
permanent exclusion has been revoked may send a written notice 26503
to the superintendent of any school district maintaining records 26504
of the pupil's permanent exclusion requesting the superintendent 26505
to ensure that the records are removed from the pupil's file and 26506

destroyed. Upon receipt of the request and a determination that 26507
the pupil is twenty-two years of age or older or that the 26508
pupil's permanent exclusion has been revoked, the superintendent 26509
shall ensure that the records are removed from the pupil's file 26510
and destroyed. 26511

(H) (1) This section does not apply to any of the 26512
following: 26513

(a) An institution that is a residential facility, that 26514
receives and cares for children, that is maintained by the 26515
department of youth services, and that operates a school 26516
chartered by the ~~state board~~ director of education and workforce 26517
under section 3301.16 of the Revised Code; 26518

(b) Any on-premises school operated by an out-of-home care 26519
entity, other than a school district, that is chartered by the 26520
~~state board~~ director of education and workforce under section 26521
3301.16 of the Revised Code; 26522

(c) Any school operated in connection with an out-of-home 26523
care entity or a nonresidential youth treatment program that 26524
enters into a contract or agreement with a school district for 26525
the provision of educational services in a setting other than a 26526
setting that is a building or structure owned or controlled by 26527
the board of education of the school district during normal 26528
school hours. 26529

(2) This section does not prohibit any person who has been 26530
permanently excluded pursuant to this section and section 26531
3301.121 of the Revised Code from seeking a certificate of high 26532
school equivalence. A person who has been permanently excluded 26533
may be permitted to participate in a course of study in 26534
preparation for a high school equivalency test approved by the 26535

department of education and workforce pursuant to division (B) 26536
of section 3301.80 of the Revised Code, except that the person 26537
shall not participate during normal school hours in that course 26538
of study in any building or structure owned or controlled by the 26539
board of education of a school district. 26540

(3) This section does not relieve any school district from 26541
any requirement under section 2151.362 or 3313.64 of the Revised 26542
Code to pay for the cost of educating any child who has been 26543
permanently excluded pursuant to this section and section 26544
3301.121 of the Revised Code. 26545

(I) As used in this section: 26546

(1) "Permanently exclude" means to forever prohibit an 26547
individual from attending any public school in this state that 26548
is operated by a city, local, exempted village, or joint 26549
vocational school district. 26550

(2) "Permanent exclusion" means the prohibition of a pupil 26551
forever from attending any public school in this state that is 26552
operated by a city, local, exempted village, or joint vocational 26553
school district. 26554

(3) "Out-of-home care" has the same meaning as in section 26555
2151.011 of the Revised Code. 26556

(4) "Certificate of high school equivalence" has the same 26557
meaning as in section 4109.06 of the Revised Code. 26558

(5) "Nonresidential youth treatment program" means a 26559
program designed to provide services to persons under the age of 26560
eighteen in a setting that does not regularly provide long-term 26561
overnight care, including settlement houses, diversion and 26562
prevention programs, run-away centers, and alternative education 26563
programs. 26564

(6) "Firearm" has the same meaning as provided pursuant to 26565
the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 26566
8001(a) (2) . 26567

(7) "Minor drug possession offense" has the same meaning 26568
as in section 2925.01 of the Revised Code. 26569

Sec. 3313.671. (A) (1) Except as otherwise provided in 26570
division (B) of this section, no pupil, at the time of initial 26571
entry or at the beginning of each school year, to an elementary 26572
or high school for which the ~~state board~~ director of education_ 26573
and workforce prescribes minimum standards pursuant to division 26574
(D) of section 3301.07 of the Revised Code, shall be permitted 26575
to remain in school for more than fourteen days unless the pupil 26576
presents written evidence satisfactory to the person in charge 26577
of admission, that the pupil has been immunized by a method of 26578
immunization approved by the department of health pursuant to 26579
section 3701.13 of the Revised Code against mumps, 26580
poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and 26581
rubella or is in the process of being immunized. 26582

(2) Except as provided in division (B) of this section, no 26583
pupil who begins kindergarten at an elementary school subject to 26584
the ~~state board of education's~~ director's minimum standards 26585
shall be permitted to remain in school for more than fourteen 26586
days unless the pupil presents written evidence satisfactory to 26587
the person in charge of admission that the pupil has been 26588
immunized by a department of health-approved method of 26589
immunization or is in the process of being immunized against 26590
both of the following: 26591

(a) During or after the school year beginning in 1999, 26592
hepatitis B; 26593

(b) During or after the school year beginning in 2006, 26594
chicken pox. 26595

(3) Except as provided in division (B) of this section, 26596
during and after the school year beginning in 2016, no pupil who 26597
is the age or older than the age at which immunization against 26598
meningococcal disease is recommended by the state department of 26599
health shall be permitted to remain in a school subject to the 26600
~~state board of education's director's~~ minimum standards for more 26601
than fourteen days unless the pupil presents written evidence 26602
satisfactory to the person in charge of admission that the pupil 26603
has been immunized by a department of health-approved method of 26604
immunization, or is in the process of being immunized, against 26605
meningococcal disease. 26606

(4) As used in divisions (A) (1), (2), and (3) of this 26607
section, "in the process of being immunized" means the pupil has 26608
been immunized against mumps, rubeola, rubella, and chicken pox, 26609
and if the pupil has not been immunized against poliomyelitis, 26610
diphtheria, pertussis, tetanus, hepatitis B, and meningococcal 26611
disease, the pupil has received at least the first dose of the 26612
immunization sequence, and presents written evidence to the 26613
pupil's building principal or chief administrative officer of 26614
each subsequent dose required to obtain immunization at the 26615
intervals prescribed by the director of health. Any student 26616
previously admitted under the "in process of being immunized" 26617
provision and who has not complied with the immunization 26618
intervals prescribed by the director of health shall be excluded 26619
from school on the fifteenth day of the following school year. 26620
Any student so excluded shall be readmitted upon showing 26621
evidence to the student's building principal or chief 26622
administrative officer of progress on the director of health's 26623
interval schedule. 26624

(B) (1) A pupil who has had natural rubeola, and presents a signed statement from the pupil's parent, guardian, or physician to that effect, is not required to be immunized against rubeola.

(2) A pupil who has had natural mumps, and presents a signed statement from the pupil's parent, guardian, or physician to that effect, is not required to be immunized against mumps.

(3) A pupil who has had natural chicken pox, and presents a signed statement from the pupil's parent, guardian, or physician to that effect, is not required to be immunized against chicken pox.

(4) A pupil who presents a written statement of the pupil's parent or guardian in which the parent or guardian declines to have the pupil immunized for reasons of conscience, including religious convictions, is not required to be immunized.

(5) A child whose physician certifies in writing that such immunization against any disease is medically contraindicated is not required to be immunized against that disease.

(C) As used in this division, "chicken pox epidemic" means the occurrence of cases of chicken pox in numbers greater than expected in the school's population or for a particular period of time.

Notwithstanding division (B) of this section, a school may deny admission to a pupil otherwise exempted from the chicken pox immunization requirement if the director of the state department of health notifies the school's principal or chief administrative officer that a chicken pox epidemic exists in the school's population. The denial of admission shall cease when the director notifies the principal or officer that the epidemic

no longer exists. 26654

The board of education or governing body of each school 26655
subject to this section shall adopt a policy that prescribes 26656
methods whereby the academic standing of a pupil who is denied 26657
admission during a chicken pox epidemic may be preserved. 26658

(D) Boards of health, legislative authorities of municipal 26659
corporations, and boards of township trustees on application of 26660
the board of education of the district or proper authority of 26661
any school affected by this section, shall provide at the public 26662
expense, without delay, the means of immunization against mumps, 26663
poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, 26664
and hepatitis B to pupils who are not so provided by their 26665
parents or guardians. 26666

(E) The department of health shall specify the age at 26667
which immunization against meningococcal disease, as required by 26668
division (A) (3) of this section, is recommended, and approve a 26669
method of immunization against meningococcal disease. 26670

Sec. 3313.674. (A) Except as provided in division (D) of 26671
this section, the board of education of each city, exempted 26672
village, or local school district and the governing authority of 26673
each chartered nonpublic school may require each student 26674
enrolled in kindergarten, third grade, fifth grade, and ninth 26675
grade to undergo a screening for body mass index and weight 26676
status category. 26677

(B) The board or governing authority may provide any 26678
screenings authorized by this section itself, contract with 26679
another entity for provision of the screenings, or request the 26680
parent or guardian of each student subject to the screening to 26681
obtain the screening from a provider selected by the parent or 26682

guardian and to submit the results to the board or governing authority. If the board or governing authority provides the screenings itself or contracts with another entity for provision of the screenings, the board or governing authority shall protect student privacy by ensuring that each student is screened alone and not in the presence of other students or staff.

(C) Each school year, each board or governing authority electing to require the screening shall provide the parent or guardian of each student subject to the screening with information about the screening program. If the board or governing authority requests parents and guardians to obtain a screening from a provider of their choosing, the board or governing authority shall provide them with a list of providers and information about screening services available in the community to parents and guardians who cannot afford a private provider.

(D) If the parent or guardian of a student subject to the screening signs and submits to the board or governing authority a written statement indicating that the parent or guardian does not wish to have the student undergo the screening, the board or governing authority shall not require the student to be screened.

(E) The board or governing authority shall notify the parent or guardian of each student screened under this section of any health risks associated with the student's results and shall provide the parent or guardian with information about appropriately addressing the risks. For this purpose, the department of health, in consultation with the department of education and workforce, shall develop a list of documents,

pamphlets, or other resources that may be distributed to parents 26713
and guardians under this division. 26714

(F) The board or governing authority shall maintain the 26715
confidentiality of each student's individual screening results 26716
at all times. No board or governing authority shall report a 26717
student's individual screening results to any person other than 26718
the student's parent or guardian. 26719

(G) In a manner prescribed by rule of the director of 26720
health, each board or governing authority electing to require 26721
the screening shall report aggregated body mass index and weight 26722
status category data collected under this section, and any other 26723
demographic data required by the director, to the department of 26724
health. In the case of a school district, data shall be 26725
aggregated for the district as a whole and not for individual 26726
schools within the district, unless the district operates only 26727
one school. In the case of a chartered nonpublic school, data 26728
shall be aggregated for the school as a whole. The department 26729
annually may publish the data reported under this division, 26730
aggregated by county. For each county in which a district, 26731
community school, STEM school, or chartered nonpublic school has 26732
elected not to require the screening for a school year for which 26733
data is published, the department shall note that the data for 26734
the county in which the district or school is located is 26735
incomplete. The department may share data reported under this 26736
division with other governmental entities for the purpose of 26737
monitoring population health, making reports, or public health 26738
promotional activities. 26739

Sec. 3313.71. School physicians may make examinations, 26740
which shall include tests to determine the existence of hearing 26741
defects, and diagnoses of all children referred to them. They 26742

may make such examination of teachers and other school employees 26743
and inspection of school buildings as in their opinion the 26744
protection of health of the pupils, teachers, and other school 26745
employees requires. 26746

Boards of education shall require and provide, in 26747
accordance with section 3313.67 of the Revised Code, such tests 26748
and examinations for tuberculosis of pupils in selected grades 26749
and of school employees as may be required by the director of 26750
health. 26751

Boards may require annual tuberculin tests of any grades. 26752
All pupils with positive reactions to the test shall have chest 26753
x-rays and all positive reactions and x-ray findings shall be 26754
reported promptly to the county record bureau of tuberculosis 26755
cases provided for in section 339.74 of the Revised Code. Boards 26756
shall waive the required test where a pupil presents a written 26757
statement from the pupil's family physician certifying that such 26758
test has been given and that such pupil is free from 26759
tuberculosis in a communicable stage, or that such test is 26760
inadvisable for medical reasons, or from the pupil's parent or 26761
guardian objecting to such test because of religious 26762
convictions. 26763

Whenever a pupil, teacher, or other school employee is 26764
found to be ill or suffering from tuberculosis in a communicable 26765
stage or other communicable disease, the school physician shall 26766
promptly send such pupil, teacher, or other school employee 26767
home, with a statement, in the case of a pupil, to the pupil's 26768
parents or guardian, briefly setting forth the discovered facts, 26769
and advising that the family physician be consulted. School 26770
physicians shall keep accurate card-index records of all 26771
examinations, and said records, that they may be uniform 26772

throughout the state, shall be according to the form prescribed 26773
by the ~~state board~~ department of education and workforce, and 26774
the reports shall be made according to the method of ~~said that~~ 26775
form. If the parent or guardian of any pupil or any teacher or 26776
other school employee, after notice from the board of education, 26777
furnishes within two weeks thereafter the written certificate of 26778
any reputable physician that the pupil, teacher, or other school 26779
employee has been examined, in such cases the service of the 26780
school physician shall be dispensed with, and such certificate 26781
shall be furnished by such parent or guardian, as required by 26782
the board of education. Such individual records shall not be 26783
open to the public and shall be solely for the use of the boards 26784
of education and boards of health officer. If any teacher or 26785
other school employee is found to have tuberculosis in a 26786
communicable stage or other communicable disease, the teacher's 26787
or employee's employment shall be discontinued or suspended upon 26788
such terms as to salary as the board deems just until the school 26789
physician has certified to a recovery from such disease. The 26790
methods of making the tuberculin tests and chest x-rays required 26791
by this section shall be such as are approved by the director of 26792
health. 26793

This section shall apply to all elementary and high 26794
schools for which the ~~state board~~ director of education and 26795
workforce sets minimum standards pursuant to section 3301.07 of 26796
the Revised Code. 26797

Sec. 3313.7110. (A) The board of education of each city, 26798
local, exempted village, or joint vocational school district may 26799
procure epinephrine autoinjectors for each school operated by 26800
the district to have on the school premises for use in emergency 26801
situations identified under division (C) (5) of this section by 26802
doing one of the following: 26803

(1) Having a licensed health professional authorized to 26804
prescribe drugs, acting in accordance with section 4723.483, 26805
4730.433, or 4731.96 of the Revised Code, personally furnish the 26806
epinephrine autoinjectors to the school or school district or 26807
issue a prescription for them in the name of the school or 26808
district; 26809

(2) Having the district's superintendent obtain a 26810
prescriber-issued protocol that includes definitive orders for 26811
epinephrine autoinjectors and the dosages of epinephrine to be 26812
administered through them. 26813

A district board that elects to procure epinephrine 26814
autoinjectors under this section is encouraged to maintain, at 26815
all times, at least two epinephrine autoinjectors at each school 26816
operated by the district. 26817

(B) A district board that elects to procure epinephrine 26818
autoinjectors under this section shall require the district's 26819
superintendent to adopt a policy governing their maintenance and 26820
use. Before adopting the policy, the superintendent shall 26821
consult with a licensed health professional authorized to 26822
prescribe drugs. 26823

(C) The policy adopted under division (B) of this section 26824
shall do all of the following: 26825

(1) Identify the one or more locations in each school 26826
operated by the district in which an epinephrine autoinjector 26827
must be stored; 26828

(2) Specify the conditions under which an epinephrine 26829
autoinjector must be stored, replaced, and disposed; 26830

(3) Specify the individuals employed by or under contract 26831
with the district board, in addition to a school nurse or an 26832

athletic trainer, licensed under Chapter 4755. of the Revised Code, who may access and use an epinephrine autoinjector to provide a dosage of epinephrine to an individual in an emergency situation identified under division (C) (5) of this section;

(4) Specify any training that employees or contractors specified under division (C) (3) of this section, other than a school nurse or athletic trainer, must complete before being authorized to access and use an epinephrine autoinjector;

(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of anaphylaxis, in which a school nurse, athletic trainer, or other employees or contractors specified under division (C) (3) of this section may access and use an epinephrine autoinjector;

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;

(7) Specify the individuals, in addition to students, school employees or contractors, and school visitors, to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C) (5) of this section.

(D) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A school or school district;

(b) A member of a district board of education;

(c) A district or school employee or contractor;	26862
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, consults with a superintendent, or issues a protocol pursuant to this section.	26863 26864 26865 26866
(2) This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, member of a district board of education, district or school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.	26867 26868 26869 26870 26871 26872
(E) A school district board of education may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.	26873 26874 26875 26876 26877 26878
(F) A district board that elects to procure epinephrine autoinjectors under this section shall report to the department of education <u>and workforce</u> each procurement and occurrence in which an epinephrine autoinjector is used from a school's supply of epinephrine autoinjectors.	26879 26880 26881 26882 26883
(G) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.	26884 26885 26886
Sec. 3313.7111. (A) With the approval of its governing authority, a chartered or nonchartered nonpublic school may procure epinephrine autoinjectors in the manner prescribed by section 3313.7110 of the Revised Code. A chartered or	26887 26888 26889 26890

nonchartered nonpublic school that elects to do so shall comply 26891
with all provisions of that section as if it were a school 26892
district. 26893

(B) (1) The following are not liable in damages in a civil 26894
action for injury, death, or loss to person or property that 26895
allegedly arises from an act or omission associated with 26896
procuring, maintaining, accessing, or using an epinephrine 26897
autoinjector under this section, unless the act or omission 26898
constitutes willful or wanton misconduct: 26899

(a) A chartered or nonchartered nonpublic school; 26900

(b) A member of a chartered or nonchartered nonpublic 26901
school governing authority; 26902

(c) An employee or contractor of the school; 26903

(d) A licensed health professional authorized to prescribe 26904
drugs who personally furnishes or prescribes epinephrine 26905
autoinjectors, provides a consultation, or issues a protocol 26906
pursuant to this section. 26907

(2) This division does not eliminate, limit, or reduce any 26908
other immunity or defense that a chartered or nonchartered 26909
nonpublic school or governing authority, member of a chartered 26910
or nonchartered nonpublic school governing authority, chartered 26911
or nonchartered nonpublic school employee or contractor, or 26912
licensed health professional may be entitled to under any other 26913
provision of the Revised Code or the common law of this state. 26914

(C) A chartered or nonchartered nonpublic school may 26915
accept donations of epinephrine autoinjectors from a wholesale 26916
distributor of dangerous drugs or a manufacturer of dangerous 26917
drugs, as defined in section 4729.01 of the Revised Code, and 26918
may accept donations of money from any person to purchase 26919

epinephrine autoinjectors.	26920
(D) A chartered or nonchartered nonpublic school that	26921
elects to procure epinephrine autoinjectors under this section	26922
shall report to the department of education <u>and workforce</u> each	26923
procurement and occurrence in which an epinephrine autoinjector	26924
is used from the school's supply of epinephrine autoinjectors.	26925
Sec. 3313.7112. (A) As used in this section:	26926
(1) "Board of education" means a board of education of a	26927
city, local, exempted village, or joint vocational school	26928
district.	26929
(2) "Governing authority" means a governing authority of a	26930
chartered nonpublic school.	26931
(3) "Licensed health care professional" means any of the	26932
following:	26933
(a) A physician authorized under Chapter 4731. of the	26934
Revised Code to practice medicine and surgery or osteopathic	26935
medicine and surgery;	26936
(b) A registered nurse, advanced practice registered	26937
nurse, or licensed practical nurse licensed under Chapter 4723.	26938
of the Revised Code;	26939
(c) A physician assistant licensed under Chapter 4730. of	26940
the Revised Code.	26941
(4) "Local health department" means a department operated	26942
by a board of health of a city or general health district or the	26943
authority having the duties of a board of health as described in	26944
section 3709.05 of the Revised Code.	26945
(5) "School employee" or "employee" means either of the	26946

following: 26947

(a) A person employed by a board of education or governing authority; 26948
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(b) A licensed health care professional employed by or under contract with a local health department who is assigned to a school in a city, local, exempted village, or joint vocational school district or a chartered nonpublic school. 26950
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(6) "Treating practitioner" means any of the following who has primary responsibility for treating a student's diabetes and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student: 26954
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(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 26959
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(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code; 26962
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(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority. 26968
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(7) "504 plan" means a plan based on an evaluation conducted in accordance with section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794, as amended. 26972
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(B) (1) Each board of education or governing authority 26975
shall ensure that each student enrolled in the school district 26976
or chartered nonpublic school who has diabetes receives 26977
appropriate and needed diabetes care in accordance with an order 26978
signed by the student's treating practitioner. The diabetes care 26979
to be provided includes any of the following: 26980

(a) Checking and recording blood glucose levels and ketone 26981
levels or assisting the student with checking and recording 26982
these levels; 26983

(b) Responding to blood glucose levels that are outside of 26984
the student's target range; 26985

(c) In the case of severe hypoglycemia, administering 26986
glucagon and other emergency treatments as prescribed; 26987

(d) Administering insulin or assisting the student in 26988
self-administering insulin through the insulin delivery system 26989
the student uses; 26990

(e) Providing oral diabetes medications; 26991

(f) Understanding recommended schedules and food intake 26992
for meals and snacks in order to calculate medication dosages 26993
pursuant to the order of the student's treating practitioner; 26994

(g) Following the treating practitioner's instructions 26995
regarding meals, snacks, and physical activity; 26996

(h) Administering diabetes medication, as long as the 26997
conditions prescribed in division (C) of this section are 26998
satisfied. 26999

(2) Not later than fourteen days after receipt of an order 27000
signed by the treating practitioner of a student with diabetes, 27001
the board of education or governing authority shall inform the 27002

student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes. The department of education and workforce shall develop a 504 plan information sheet for use by a board of education or governing authority when informing a student's parent, guardian, or other person having care or charge of the student that the student may be entitled to a 504 plan regarding the student's diabetes.

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

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

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

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

(a) Recognizing the symptoms of hypoglycemia and hyperglycemia;	27032 27033
(b) The appropriate treatment for a student who exhibits the symptoms of hypoglycemia or hyperglycemia;	27034 27035
(c) Recognizing situations that require the provision of emergency medical assistance to a student;	27036 27037
(d) Understanding the appropriate treatment for a student, based on an order issued by the student's treating practitioner, if the student's blood glucose level is not within the target range indicated by the order;	27038 27039 27040 27041
(e) Understanding the instructions in an order issued by a student's treating practitioner concerning necessary medications;	27042 27043 27044
(f) Performing blood glucose and ketone tests for a student in accordance with an order issued by the student's treating practitioner and recording the results of those tests;	27045 27046 27047
(g) Administering insulin, glucagon, or other medication to a student in accordance with an order issued by the student's treating practitioner and recording the results of the administration;	27048 27049 27050 27051
(h) Understanding the relationship between the diet recommended in an order issued by a student's treating practitioner and actions that may be taken if the recommended diet is not followed.	27052 27053 27054 27055
(E) (1) To ensure that a student with diabetes receives the diabetes care specified in division (B) of this section, a board of education or governing authority may provide training that complies with the guidelines developed under division (D) of	27056 27057 27058 27059

this section to a school employee at each school attended by a student with diabetes. With respect to any training provided, all of the following apply:

(a) The training shall be coordinated by a school nurse or, if the school does not employ a school nurse, a licensed health care professional with expertise in diabetes who is approved by the school to provide the training.

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

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

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

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

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

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

(c) A statement that participation is voluntary and that 27088
the school district or governing authority will not take action 27089
against an employee who does not agree to provide diabetes care; 27090

(d) A statement that training will be provided by a 27091
licensed health care professional to an employee who agrees to 27092
provide care; 27093

(e) A statement that a trained employee is immune from 27094
liability under division (J) of this section; 27095

(f) The name of the individual who should be contacted if 27096
an employee is interested in providing diabetes care. 27097

(3) No employee of a board of education or governing 27098
authority shall be subject to a penalty or disciplinary action 27099
under school or district policies for refusing to volunteer to 27100
be trained in diabetes care. 27101

(4) No board or governing authority shall discourage 27102
employees from agreeing to provide diabetes care under this 27103
section. 27104

(F) A board of education or governing authority may 27105
provide training in the recognition of hypoglycemia and 27106
hyperglycemia and actions to take in response to emergency 27107
situations involving these conditions to both of the following: 27108

(1) A school employee who has primary responsibility for 27109
supervising a student with diabetes during some portion of the 27110
school day; 27111

(2) A bus driver employed by a school district or 27112
chartered nonpublic school responsible for the transportation of 27113
a student with diabetes. 27114

(G) A student with diabetes shall be permitted to attend 27115

the school the student would otherwise attend if the student did 27116
not have diabetes and the diabetes care specified in division 27117
(B) of this section shall be provided at the school. A board of 27118
education or governing authority shall not restrict a student 27119
who has diabetes from attending the school on the basis that the 27120
student has diabetes, that the school does not have a full-time 27121
school nurse, or that the school does not have an employee 27122
trained in diabetes care. The school shall not require or 27123
pressure a parent, guardian, or other person having care or 27124
charge of a student to provide diabetes care for the student 27125
with diabetes at school or school-related activities. 27126

(H) (1) Notwithstanding section 3313.713 of the Revised 27127
Code or any policy adopted under that section and except as 27128
provided in division (H) (2) of this section, on written request 27129
of the parent, guardian, or other person having care or charge 27130
of a student and authorization by the student's treating 27131
practitioner, a student with diabetes shall be permitted during 27132
regular school hours and school-sponsored activities to attend 27133
to the care and management of the student's diabetes in 27134
accordance with the order issued by the student's treating 27135
practitioner if the student's treating practitioner determines 27136
that the student is capable of performing diabetes care tasks. 27137
The student shall be permitted to perform diabetes care tasks in 27138
a classroom, in any area of the school or school grounds, and at 27139
any school-related activity, and to possess on the student's 27140
self at all times all necessary supplies and equipment to 27141
perform these tasks. If the student or the parent, guardian, or 27142
other person having care or charge of the student so requests, 27143
the student shall have access to a private area for performing 27144
diabetes care tasks. 27145

(2) If the student performs any diabetes care tasks or 27146

uses medical equipment for purposes other than the student's own 27147
care, the board of education or governing authority may revoke 27148
the student's permission to attend to the care and management of 27149
the student's diabetes. 27150

(I) (1) Notwithstanding any other provision of the Revised 27151
Code to the contrary, a licensed health care professional shall 27152
be permitted to provide training to a school employee under 27153
division (E) of this section or to supervise the employee in 27154
performing diabetes care tasks. 27155

(2) Nothing in this section diminishes the rights of 27156
eligible students or the obligations of school districts or 27157
governing authorities under the "Individuals with Disabilities 27158
Education Act," 20 U.S.C. 1400 et seq., section 504 of the 27159
"Rehabilitation Act," 29 U.S.C. 794, or the "Americans with 27160
Disabilities Act," 42 U.S.C. 12101 et seq. 27161

(J) (1) A school or school district, a member of a board or 27162
governing authority, or a district or school employee is not 27163
liable in damages in a civil action for injury, death, or loss 27164
to person or property allegedly arising from providing care or 27165
performing duties under this section unless the act or omission 27166
constitutes willful or wanton misconduct. 27167

This section does not eliminate, limit, or reduce any 27168
other immunity or defense that a school or school district, 27169
member of a board of education or governing authority, or 27170
district or school employee may be entitled to under Chapter 27171
2744. or any other provision of the Revised Code or under the 27172
common law of this state. 27173

(2) A school employee shall not be subject to disciplinary 27174
action under school or district policies for providing care or 27175

performing duties under this section.	27176
(3) A school nurse or other licensed health care professional shall be immune from disciplinary action by the board of nursing or any other regulatory board for providing care or performing duties under this section if the care provided or duties performed are consistent with applicable professional standards.	27177 27178 27179 27180 27181 27182
(K) (1) Not later than the last day of December of each year, a board of education or governing authority shall report to the department of education <u>and workforce</u> both of the following:	27183 27184 27185 27186
(a) The number of students with diabetes enrolled in the school district or chartered nonpublic school during the previous school year;	27187 27188 27189
(b) The number of errors associated with the administration of diabetes medication to students with diabetes during the previous school year.	27190 27191 27192
(2) Not later than the last day of March of each year, the department shall issue a report summarizing the information received by the department under division (K) (1) of this section for the previous school year. The department shall make the report available on its internet web site.	27193 27194 27195 27196 27197
Sec. 3313.7113. (A) As used in this section, "inhaler" means a device that delivers medication to alleviate asthmatic symptoms, is manufactured in the form of a metered dose inhaler or dry powdered inhaler, and may include a spacer, holding chamber, or other device that attaches to the inhaler and is used to improve the delivery of the medication.	27198 27199 27200 27201 27202 27203
(B) The board of education of each city, local, exempted	27204

village, or joint vocational school district may procure 27205
inhalers for each school operated by the district to have on the 27206
school premises for use in emergency situations identified under 27207
division (D) (5) of this section. A district board that elects to 27208
procure inhalers under this section is encouraged to maintain, 27209
at all times, at least two inhalers at each school operated by 27210
the district. 27211

(C) A district board that elects to procure inhalers under 27212
this section shall require the district's superintendent to 27213
adopt a policy governing their maintenance and use. Before 27214
adopting the policy, the superintendent shall consult with a 27215
licensed health professional authorized to prescribe drugs, as 27216
defined in section 4729.01 of the Revised Code. 27217

(D) A component of a policy adopted by a superintendent 27218
under division (C) of this section shall be a prescriber-issued 27219
protocol specifying definitive orders for inhalers, including 27220
the dosages of medication to be administered through them, the 27221
number of times that each inhaler may be used before disposal, 27222
and the methods of disposal. The policy also shall do all of the 27223
following: 27224

(1) Identify the one or more locations in each school 27225
operated by the district in which an inhaler must be stored; 27226

(2) Specify the conditions under which an inhaler must be 27227
stored, replaced, and disposed; 27228

(3) Specify the individuals employed by or under contract 27229
with the district board, in addition to a school nurse or an 27230
athletic trainer, licensed under Chapter 4755. of the Revised 27231
Code, who may access and use an inhaler to provide a dosage of 27232
medication to an individual in an emergency situation identified 27233

under division (D) (5) of this section;	27234
(4) Specify any training that employees or contractors specified under division (D) (3) of this section, other than a school nurse or athletic trainer, must complete before being authorized to access and use an inhaler;	27235 27236 27237 27238
(5) Identify the emergency situations, including when an individual exhibits signs and symptoms of asthma, in which a school nurse, athletic trainer, or other employees or contractors specified under division (D) (3) of this section may access and use an inhaler;	27239 27240 27241 27242 27243
(6) Specify that assistance from an emergency medical service provider must be requested immediately after an employee or contractor, other than a school nurse, athletic trainer, or another licensed health professional, uses an inhaler;	27244 27245 27246 27247
(7) Specify the individuals, in addition to students, school employees or contractors, and school visitors, to whom a dosage of medication may be administered through an inhaler in an emergency situation specified under division (D) (5) of this section.	27248 27249 27250 27251 27252
(E) A school or school district, a member of a district board of education, or a district or school employee or contractor is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an inhaler under this section, unless the act or omission constitutes willful or wanton misconduct.	27253 27254 27255 27256 27257 27258 27259 27260
This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district,	27261 27262

member of a district board of education, or district or school 27263
employee or contractor may be entitled to under Chapter 2744. or 27264
any other provision of the Revised Code or under the common law 27265
of this state. 27266

(F) A school district board of education may accept 27267
donations of inhalers from a wholesale distributor of dangerous 27268
drugs or a manufacturer of dangerous drugs, as defined in 27269
section 4729.01 of the Revised Code, and may accept donations of 27270
money from any person to purchase inhalers. 27271

(G) A district board that elects to procure inhalers under 27272
this section shall report to the department of education and 27273
workforce each procurement and occurrence in which an inhaler is 27274
used from a school's supply of inhalers. 27275

Sec. 3313.7114. (A) As used in this section, "inhaler" has 27276
the same meaning as in section 3313.7113 of the Revised Code. 27277

(B) With the approval of its governing authority, a 27278
chartered or nonchartered nonpublic school may procure inhalers 27279
in the manner prescribed by section 3313.7113 of the Revised 27280
Code. A chartered or nonchartered nonpublic school that elects 27281
to do so shall comply with all provisions of that section as if 27282
it were a school district. 27283

(C) A chartered or nonchartered nonpublic school, a member 27284
of a chartered or nonchartered nonpublic school governing 27285
authority, or an employee or contractor of the school is not 27286
liable in damages in a civil action for injury, death, or loss 27287
to person or property that allegedly arises from an act or 27288
omission associated with procuring, maintaining, accessing, or 27289
using an inhaler under this section, unless the act or omission 27290
constitutes willful or wanton misconduct. 27291

(D) A chartered or nonchartered nonpublic school may 27292
accept donations of inhalers from a wholesale distributor of 27293
dangerous drugs or a manufacturer of dangerous drugs, as defined 27294
in section 4729.01 of the Revised Code, and may accept donations 27295
of money from any person to purchase inhalers. 27296

(E) A chartered or nonchartered nonpublic school that 27297
elects to procure inhalers under this section shall report to 27298
the department of education and workforce each procurement and 27299
occurrence in which an inhaler is used from the school's supply 27300
of inhalers. 27301

Sec. 3313.7115. (A) As used in this section, "licensed 27302
health professional authorized to prescribe drugs" and 27303
"prescriber" have the same meanings as in section 4729.01 of the 27304
Revised Code. 27305

(B) The board of education of each city, local, exempted 27306
village, or joint vocational school district may procure 27307
injectable or nasally administered glucagon for each school 27308
operated by the district to have on the school premises for use 27309
in emergency situations identified under division (D) (5) of this 27310
section by doing one of the following: 27311

(1) Having a licensed health professional authorized to 27312
prescribe drugs, acting in accordance with section 4723.484, 27313
4730.434, or 4731.92 of the Revised Code, personally furnish the 27314
injectable or nasally administered glucagon to the school or 27315
school district or issue a prescription for the drug in the name 27316
of the school or district; 27317

(2) Having the district's superintendent obtain a 27318
prescriber-issued protocol that includes definitive orders for 27319
injectable or nasally administered glucagon and the dosages to 27320

be administered. 27321

A district board that elects to procure injectable or 27322
nasally administered glucagon under this section is encouraged 27323
to maintain, at all times, at least two doses of the drug at 27324
each school operated by the district. 27325

(C) A district board that elects to procure injectable or 27326
nasally administered glucagon under this section shall require 27327
the district's superintendent to adopt a policy governing 27328
maintenance and use of the drug. Before adopting the policy, the 27329
superintendent shall consult with a licensed health professional 27330
authorized to prescribe drugs. 27331

(D) The policy adopted under division (C) of this section 27332
shall do all of the following: 27333

(1) Identify the one or more locations in each school 27334
operated by the district in which injectable or nasally 27335
administered glucagon must be stored; 27336

(2) Specify the conditions under which injectable or 27337
nasally administered glucagon must be stored, replaced, and 27338
disposed; 27339

(3) Specify the individuals employed by or under contract 27340
with the district board, in addition to a school nurse licensed 27341
under section 3319.221 of the Revised Code or an athletic 27342
trainer licensed under Chapter 4755. of the Revised Code, who 27343
may access and use injectable or nasally administered glucagon 27344
in an emergency situation identified under division (D) (5) of 27345
this section; 27346

(4) Specify any training that employees or contractors 27347
specified under division (D) (3) of this section, other than a 27348
school nurse or athletic trainer, must complete before being 27349

authorized to access and use injectable or nasally administered glucagon; 27350
27351

(5) Identify the emergency situations in which a school nurse, athletic trainer, or other employees or contractors specified under division (D) (3) of this section may access and use injectable or nasally administered glucagon; 27352
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(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered; 27356
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(7) Specify the individuals, if any, in addition to students, to whom a dose of glucagon may be administered in an emergency situation specified under division (D) (5) of this section. 27359
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(E) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct: 27363
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(a) A school or school district; 27369

(b) A member of a district board of education; 27370

(c) A district or school employee or contractor; 27371

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, consults with a superintendent, or issues a protocol pursuant to this section. 27372
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(2) This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, 27376
27377

member of a district board of education, district or school 27378
employee or contractor, or licensed health professional may be 27379
entitled to under Chapter 2744. or any other provision of the 27380
Revised Code or under the common law of this state. 27381

(F) A school district board of education may accept 27382
donations of injectable or nasally administered glucagon from a 27383
wholesale distributor of dangerous drugs or manufacturer of 27384
dangerous drugs, as defined in section 4729.01 of the Revised 27385
Code, and may accept donations of money from any person to 27386
purchase the drug. 27387

(G) A district board that elects to procure injectable or 27388
nasally administered glucagon under this section shall report to 27389
the department of education and workforce each procurement and 27390
each occurrence in which a dose of the drug is used from a 27391
school's supply. 27392

Sec. 3313.7116. (A) With the approval of its governing 27393
authority, a chartered or nonchartered nonpublic school may 27394
procure injectable or nasally administered glucagon in the 27395
manner prescribed by section 3313.7115 of the Revised Code. A 27396
chartered or nonchartered nonpublic school that elects to do so 27397
shall comply with all provisions of that section as if it were a 27398
school district. 27399

(B) (1) The following are not liable in damages in a civil 27400
action for injury, death, or loss to person or property that 27401
allegedly arises from an act or omission associated with 27402
procuring, maintaining, accessing, or using injectable or 27403
nasally administered glucagon under this section, unless the act 27404
or omission constitutes willful or wanton misconduct: 27405

(a) A chartered or nonchartered nonpublic school; 27406

(b) A member of a chartered or nonchartered nonpublic school governing authority;	27407 27408
(c) An employee or contractor of the school;	27409
(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section.	27410 27411 27412 27413
(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered or nonchartered nonpublic school or governing authority, member of a chartered or nonchartered nonpublic school governing authority, chartered or nonchartered nonpublic school employee or contractor, or licensed health professional may be entitled to under any other provision of the Revised Code or the common law of this state.	27414 27415 27416 27417 27418 27419 27420
(C) A chartered or nonchartered nonpublic school may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.	27421 27422 27423 27424 27425 27426
(D) A chartered or nonchartered nonpublic school that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education_ <u>and workforce</u> each procurement and each occurrence in which a dose of the drug is used from the school's supply.	27427 27428 27429 27430 27431
Sec. 3313.81. The board of education of any city, exempted village, or local school district may establish food service, provide facilities and equipment, and pay operating costs in the schools under its control for the preparation and serving of	27432 27433 27434 27435

lunches, and other meals or refreshments to the pupils, 27436
employees of the board of education employed therein, and to 27437
other persons taking part in or patronizing any activity in 27438
connection with the schools. A board of education that operates 27439
such a food service may also provide meals at cost to residents 27440
of the school district who are sixty years of age or older or 27441
may contract with public or private nonprofit organizations 27442
providing services to the elderly to provide nutritious meals 27443
for persons who are sixty years of age or older. Restrictions or 27444
limitations upon the privileges or use of facilities by any 27445
pupil, employee, person taking part in or patronizing a school- 27446
related activity, or elderly person must be applied equally to 27447
all pupils, all employees, all persons taking part in or 27448
patronizing a school-related activity, or elderly persons, 27449
respectively, except that a board may expend school funds other 27450
than funds from federally reimbursed moneys or student payments 27451
to provide meals at no charge to senior citizens performing 27452
volunteer services in the district's schools in accordance with 27453
a volunteer program approved by the board. 27454

Such facilities shall be under the management and control 27455
of the board and the operation of such facilities for school 27456
food service purposes or to provide meals for the elderly shall 27457
not be for profit. In the operation of such facilities for 27458
school food service purposes there shall be established a food 27459
service fund in the treasurer's cash journal, which shall be 27460
separate from all other funds of the board. All receipts and 27461
disbursements in connection with the operation of food service 27462
for school food service purposes and the maintenance, 27463
improvement, and purchase of equipment for school food service 27464
purposes shall be paid directly into and disbursed from the food 27465
service fund which shall be kept in a legally designated 27466

depository of the board. Revenues for the operation, 27467
maintenance, improvement, and purchase of equipment shall be 27468
provided by the food service fund, appropriations transferred 27469
from the general fund, federal funds, and from other proper 27470
sources. Records of receipts and disbursements resulting from 27471
the provision of meals for the elderly shall be separately 27472
maintained, in accordance with section 3313.29 of the Revised 27473
Code. 27474

The enforcement of this section shall be under 27475
jurisdiction of the ~~state board~~ department of education and 27476
workforce. 27477

Sec. 3313.811. No board, the principal or teacher of any 27478
schoolroom, or class organization of any school district shall 27479
sell or offer for sale, or supervise the sale of uniform school 27480
supplies, foods, candies, or like supplies for profit on the 27481
school premises except when the profit derived from such sale is 27482
to be used for school purposes or for any activity in connection 27483
with the school on whose premises such uniform school supplies, 27484
food, candies, or supplies are sold or offered for sale. No 27485
individual student or class of students, acting as an agent for 27486
any person or group of persons directly connected with the 27487
school shall sell or offer for sale for profit outside the 27488
school building, any such articles, except when the profit 27489
derived from such sale is to be used for school purposes or for 27490
any activity in connection with the school. 27491

Uniform school supplies are those adopted by the board for 27492
use in the schools of the district. 27493

The enforcement of this section shall be under the 27494
jurisdiction of the ~~state board~~ department of education and 27495
workforce. 27496

The school district board of education shall provide 27497
revolving accounts for the purchase and sale of uniform school 27498
supplies either by appropriations from the general fund or 27499
accumulation from sales or receipts. Such accounts shall be kept 27500
separate from other transactions of the board. 27501

Sec. 3313.813. (A) As used in this section: 27502

(1) "Outdoor education center" means a public or nonprofit 27503
private entity that provides to pupils enrolled in any public or 27504
chartered nonpublic elementary or secondary school an outdoor 27505
educational curriculum that the school considers to be part of 27506
its educational program. 27507

(2) "Outside-school-hours care center" has the meaning 27508
established in 7 C.F.R. 226.2. 27509

(B) The ~~state board~~ department of education and workforce 27510
shall establish standards for a school lunch program, school 27511
breakfast program, child and adult care food program, special 27512
food service program for children, summer food service program 27513
for children, special milk program for children, food service 27514
equipment assistance program, and commodity distribution program 27515
established under the "National School Lunch Act," 60 Stat. 230 27516
(1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act 27517
of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended. Any board of 27518
education of a school district, nonprofit private school, 27519
outdoor education center, child care institution, outside- 27520
school-hours care center, or summer camp desiring to participate 27521
in such a program or required to participate under this section 27522
shall, if eligible to participate under the "National School 27523
Lunch Act," as amended, or the "Child Nutrition Act of 1966," as 27524
amended, make application to the ~~state board of education~~ 27525
department for assistance. The board shall administer the 27526

allocation and distribution of all state and federal funds for 27527
these programs. 27528

(C) The ~~state board of education~~ department shall require 27529
the board of education of each school district to establish and 27530
maintain a school breakfast, lunch, and summer food service 27531
program pursuant to the "National School Lunch Act" and the 27532
"Child Nutrition Act of 1966," as described in divisions (C) (1) 27533
to (4) of this section. 27534

(1) The ~~state board~~ department shall require the board of 27535
education in each school district to establish a breakfast 27536
program in every school where at least one-fifth of the pupils 27537
in the school are eligible under federal requirements for free 27538
breakfasts and to establish a lunch program in every school 27539
where at least one-fifth of the pupils are eligible for free 27540
lunches. The board of education required to establish a 27541
breakfast program under this division may make a charge in 27542
accordance with federal requirements for each reduced price 27543
breakfast or paid breakfast to cover the cost incurred in 27544
providing that meal. 27545

(2) The ~~state board~~ department shall require the board of 27546
education in each school district to establish a breakfast 27547
program in every school in which the parents of at least one- 27548
half of the children enrolled in the school have requested that 27549
the breakfast program be established. The board of education 27550
required to establish a program under this division may make a 27551
charge in accordance with federal requirements for each meal to 27552
cover all or part of the costs incurred in establishing such a 27553
program. 27554

A breakfast program established under division (C) (1) or 27555
(2) of this section shall be operated in accordance with section 27556

3313.818 of the Revised Code in any school meeting the 27557
conditions prescribed by that section. 27558

(3) The ~~state board~~ department shall require the board of 27559
education in each school district to establish one of the 27560
following for summer intervention services described in division 27561
(D) of section 3301.0711 or provided under section 3313.608 of 27562
the Revised Code, and any other summer intervention program 27563
required by law: 27564

(a) An extension of the school breakfast program pursuant 27565
to the "National School Lunch Act" and the "Child Nutrition Act 27566
of 1966"; 27567

(b) An extension of the school lunch program pursuant to 27568
those acts; 27569

(c) A summer food service program pursuant to those acts. 27570

(4) (a) If the board of education of a school district 27571
determines that, for financial reasons, it cannot comply with 27572
division (C) (1) or (3) of this section, the district board may 27573
choose not to comply with either or both divisions, except as 27574
provided in divisions (C) (4) (b) and (c) of this section. The 27575
district board publicly shall communicate to the residents of 27576
the district, in the manner it determines appropriate, its 27577
decision not to comply. 27578

(b) If a district board chooses not to comply with 27579
division (C) (1) of this section, the ~~state board~~ department 27580
nevertheless shall require the district board to establish a 27581
breakfast program in every school where at least one-third of 27582
the pupils in the school are eligible under federal requirements 27583
for free breakfasts and to establish a lunch program in every 27584
school where at least one-third of the pupils are eligible for 27585

free lunches. The district board may make a charge in accordance 27586
with federal requirements for each reduced price breakfast or 27587
paid breakfast to cover the cost incurred in providing that 27588
meal. 27589

(c) If the board of education of a school district chooses 27590
not to comply with division (C) (3) of this section, the ~~state-~~ 27591
~~board-department~~ nevertheless shall require the district board 27592
to permit an approved summer food service program sponsor to use 27593
school facilities located in a school building attendance area 27594
where at least one-half of the pupils are eligible for free 27595
lunches. 27596

The department ~~of education~~ shall post in a prominent 27597
location on the department's web site a list of approved summer 27598
food service program sponsors that may use school facilities 27599
under this division. 27600

Subject to the provisions of sections 3313.75 and 3313.77 27601
of the Revised Code, a school district may charge the summer 27602
food service program sponsor a reasonable fee for the use of 27603
school facilities that may include the actual cost of custodial 27604
services, charges for the use of school equipment, and a 27605
prorated share of the utility costs as determined by the 27606
district board. A school district shall require the summer food 27607
service program sponsor to indemnify and hold harmless the 27608
district from any potential liability resulting from the 27609
operation of the summer food service program under this 27610
division. For this purpose, the district shall either add the 27611
summer food service program sponsor, as an additional insured 27612
party, to the district's existing liability insurance policy or 27613
require the summer food service program sponsor to submit 27614
evidence of a separate liability insurance policy, for an amount 27615

approved by the district board. The summer food service program 27616
sponsor shall be responsible for any costs incurred in obtaining 27617
coverage under either option. 27618

(d) If a school district cannot for good cause comply with 27619
the requirements of division (C) (2) or (4) (b) or (c) of this 27620
section at the time the ~~state board~~ department determines that a 27621
district is subject to these requirements, the ~~state board~~ 27622
department shall grant a reasonable extension of time. Good 27623
cause for an extension of time shall include, but need not be 27624
limited to, economic impossibility of compliance with the 27625
requirements at the time the ~~state board~~ department determines 27626
that a district is subject to them. 27627

(D) (1) The ~~state board~~ department shall accept the 27628
application of any outdoor education center in the state making 27629
application for participation in a program pursuant to division 27630
(B) of this section. 27631

(2) For purposes of participation in any program pursuant 27632
to this section, the board shall certify any outdoor education 27633
center making application as an educational unit that is part of 27634
the educational system of the state, if the center: 27635

(a) Meets the definition of an outdoor education center; 27636

(b) Provides its outdoor education curriculum to pupils on 27637
an overnight basis so that pupils are in residence at the center 27638
for more than twenty-four consecutive hours; 27639

(c) Operates under public or nonprofit private ownership 27640
in a single building or complex of buildings. 27641

(3) The board shall approve any outdoor education center 27642
certified under this division for participation in the program 27643
for which the center is making application on the same basis as 27644

any other applicant for that program. 27645

(E) Any school district board of education or chartered 27646
nonpublic school that participates in a breakfast program 27647
pursuant to this section may offer breakfast to pupils in their 27648
classrooms during the school day. However, any school that is 27649
subject to section 3313.818 of the Revised Code shall offer 27650
breakfast to pupils in accordance with that section. 27651

(F) Notwithstanding anything in this section to the 27652
contrary, in each fiscal year in which the general assembly 27653
appropriates funds for purposes of this division, the board of 27654
education of each school district and each chartered nonpublic 27655
school that participates in a breakfast program pursuant to this 27656
section shall provide a breakfast free of charge to each pupil 27657
who is eligible under federal requirements for a reduced price 27658
breakfast. 27659

Sec. 3313.814. (A) As used in this section and sections 27660
3313.816 and 3313.817 of the Revised Code: 27661

(1) "A la carte item" means an individually priced food or 27662
beverage item that is available for sale to students through any 27663
of the following: 27664

(a) A school food service program; 27665

(b) A vending machine located on school property; 27666

(c) A store operated by the school, a student association, 27667
or other school-sponsored organization. 27668

"A la carte item" does not include any food or beverage 27669
item available for sale in connection with a school-sponsored 27670
fundraiser held outside of the regular school day, any other 27671
school-sponsored event held outside of the regular school day, 27672

or an interscholastic athletic event. "A la carte item" also 27673
does not include any food or beverage item that is part of a 27674
reimbursable meal and that is available for sale as an 27675
individually priced item in a serving portion of the same size 27676
as in the reimbursable meal, regardless of whether the food or 27677
beverage item is included in the reimbursable meal served on a 27678
particular school day. 27679

(2) "Added sweeteners" means any additives that enhance 27680
the sweetness of a beverage, including processed sugar. "Added 27681
sweeteners" do not include any natural sugars found in fruit 27682
juices that are a component of the beverage. 27683

(3) "Extended school day" means the period before and 27684
after the regular school day during which students participate 27685
in school-sponsored extracurricular activities, latchkey 27686
programs as defined in section 3313.207 of the Revised Code, or 27687
other academic or enrichment programs. 27688

(4) "Regular school day" means the period each school day 27689
between the designated arrival time for students and the end of 27690
the final instructional period. 27691

(5) "Reimbursable meal" means a meal that is provided to 27692
students through a school breakfast or lunch program established 27693
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 27694
U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 27695
80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the 27696
criteria for reimbursement established by the United States 27697
department of agriculture. 27698

(6) "School food service program" means a school food 27699
service program operated under section 3313.81 or 3313.813 of 27700
the Revised Code. 27701

(B) Each school district board of education and each chartered nonpublic school governing authority shall adopt and enforce nutrition standards governing the types of food and beverages that may be sold on the premises of its schools, and specifying the time and place each type of food or beverage may be sold.

(1) In adopting the standards, the board or governing authority shall do all of the following:

(a) Consider the nutritional value of each food or beverage;

(b) Consult with a dietitian licensed under Chapter 4759. of the Revised Code, a dietetic technician registered by the commission on dietetic registration, or a school nutrition specialist certified or credentialed by the school nutrition association. The person with whom the board or governing authority consults may be an employee of the board or governing authority, a person contracted by the board or governing authority, or a volunteer, provided the person meets the requirements of this division.

(c) Consult the dietary guidelines for Americans jointly developed by the United States department of agriculture and the United States department of health and human services and, to the maximum extent possible, incorporate the guidelines into the standards.

(2) No food or beverage may be sold on any school premises except in accordance with the standards adopted by the board or governing authority.

(3) The standards shall comply with sections 3313.816 and 3313.817 of the Revised Code, but nothing in this section shall

prohibit the standards from being more restrictive than 27731
otherwise required by those sections. 27732

(C) The nutrition standards adopted under this section 27733
shall prohibit the placement of vending machines in any 27734
classroom where students are provided instruction, unless the 27735
classroom also is used to serve students meals. This division 27736
does not apply to vending machines that sell only milk, 27737
reimbursable meals, or food and beverage items that are part of 27738
a reimbursable meal and are available for sale as individually 27739
priced items in serving portions of the same size as in the 27740
reimbursable meal. 27741

(D) Each board or governing authority shall designate 27742
staff to be responsible for ensuring that the school district or 27743
school meets the nutrition standards adopted under this section. 27744
The staff shall prepare an annual report regarding the 27745
district's or school's compliance with the standards and include 27746
it in the report to the department of education and workforce 27747
prescribed in section 3301.68 of the Revised Code. The board or 27748
governing authority annually shall schedule a presentation on 27749
the nutrition standards report at one of its regular meetings. 27750
Each district or school shall make copies of the nutrition 27751
standards report available to the public upon request. 27752

(E) The ~~state board~~ department of education and workforce 27753
shall formulate and adopt guidelines, which boards of education 27754
and chartered nonpublic schools may follow in enforcing and 27755
implementing this section. 27756

Sec. 3313.815. (A) Any school district or nonpublic school 27757
that operates a food service program pursuant to section 3313.81 27758
or 3313.813 of the Revised Code shall require at least one 27759
employee who has received instruction in methods to prevent 27760

choking and has demonstrated an ability to perform the Heimlich 27761
maneuver to be present while students are being served food. 27762

The department of education and workforce shall establish 27763
guidelines for use by districts and schools in implementing this 27764
section. 27765

(B) Any nonpublic school or employee of a nonpublic school 27766
is not liable in damages in a civil action for injury, death, or 27767
loss to person or property allegedly caused by an act or 27768
omission of the nonpublic school or an employee of the nonpublic 27769
school in connection with performance of the duties required 27770
under division (A) of this section unless such act or omission 27771
was with malicious purpose, in bad faith, or in a wanton or 27772
reckless manner. 27773

(C) This section does not create a new cause of action or 27774
substantive legal right against any person. 27775

Sec. 3313.817. (A) When the department of education and 27776
workforce is able to obtain free of charge computer software for 27777
assessing the nutritional value of foods that does all of the 27778
following, the department shall make that software available 27779
free of charge to each public and chartered nonpublic school: 27780

(1) Rates the healthiness of foods based on nutrient 27781
density; 27782

(2) Assesses the amount of calories, total fat, saturated 27783
fat, trans fat, sugar, protein, fiber, calcium, iron, vitamin A, 27784
and vitamin C in each food item; 27785

(3) Evaluates the nutritional value of foods based on the 27786
dietary guidelines for Americans jointly developed by the United 27787
States department of agriculture and United States department of 27788
health and human services as they pertain to children and 27789

adolescents.	27790
(B) Each public and chartered nonpublic school shall use the software provided by the department under this section to determine the nutritional value of each a la carte food item available for sale at the school.	27791 27792 27793 27794
(C) When the department provides software under this section, each public and chartered nonpublic school shall comply with all of the following requirements:	27795 27796 27797
(1) No a la carte food item shall be in the lowest rated category of foods designated by the software.	27798 27799
(2) In the first school year in which the school is subject to this section, at least twenty per cent of the a la carte food items available for sale from each of the following sources during the regular and extended school day shall be in the highest rated category of foods designated by the software and in each school year thereafter, at least forty per cent of the a la carte food items available for sale from each of the following sources during the regular and extended school day shall be in that category:	27800 27801 27802 27803 27804 27805 27806 27807 27808
(a) A school food service program;	27809
(b) A vending machine located on school property;	27810
(c) A store operated by the school, a student association, or other school-sponsored organization.	27811 27812
(3) Each a la carte food item that is not in the highest rated category of foods designated by the software shall meet at least two of the following criteria:	27813 27814 27815
(a) It contains at least five grams of protein.	27816

(b) It contains at least ten per cent of the recommended daily value of fiber.	27817 27818
(c) It contains at least ten per cent of the recommended daily value of calcium.	27819 27820
(d) It contains at least ten per cent of the recommended daily value of iron.	27821 27822
(e) It contains at least ten per cent of the recommended daily value of vitamin A.	27823 27824
(f) It contains at least ten per cent of the recommended daily value of vitamin C.	27825 27826
(D) As an alternative to complying with division (C) of this section, a public or chartered nonpublic school may comply with the most recent guidelines for competitive foods issued by the alliance for a healthier generation with respect to the sale of a la carte food items.	27827 27828 27829 27830 27831
Sec. 3313.818. (A) (1) The department of education <u>and workforce</u> shall establish a program under which public schools that meet the conditions prescribed in this section shall offer breakfast to all students either before or during the school day. Each of the following shall apply:	27832 27833 27834 27835 27836
(a) In the first school year after the effective date of this section <u>October 17, 2019</u> , the program shall apply to any public school in which seventy per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.	27837 27838 27839 27840 27841 27842
(b) In the second school year after the effective date of this section <u>October 17, 2019</u> , the program shall apply to any	27843 27844

public school in which sixty per cent or more of the students 27845
enrolled in the school during the previous school year were 27846
eligible under federal requirements for free or reduced-price 27847
breakfasts or lunches. 27848

(c) In the third school year after the enactment date of 27849
this section and every school year thereafter, the program shall 27850
apply to any public school in which fifty per cent or more of 27851
the students enrolled in the school during the previous school 27852
year were eligible under federal requirements for free or 27853
reduced-price breakfasts or lunches. 27854

(2) The district superintendent or building principal, in 27855
consultation with the building staff, shall determine the model 27856
for serving breakfast under the program. Each breakfast served 27857
under the program shall comply with federal meal patterns and 27858
nutritional standards and with section 3313.814 of the Revised 27859
Code. A school district board of education may make a charge in 27860
accordance with federal requirements for each meal to cover all 27861
or part of the costs incurred in operating the program. 27862

(B) The department shall publish a list of public schools 27863
that meet the conditions of division (A) of this section. The 27864
department shall offer technical assistance to school districts 27865
and schools regarding the implementation of a school breakfast 27866
program that complies with this section and the submission of 27867
claims for reimbursement under the federal school breakfast 27868
program. 27869

(C) (1) The department shall monitor each school 27870
participating in the program and ensure that each participating 27871
school complies with the requirements of this section. 27872

(2) If the board of education of a school district 27873

determines that, for financial reasons, a school under the board's control cannot comply with the requirements of this section or the board already has a successful breakfast program or partnership in place, the district board may choose not to comply with those requirements.

(D) Not later than the thirty-first day of December of each school year, the department shall provide statistical reports on its web site that specify the number and percentage of students participating in school breakfast programs disaggregated by school district and individual schools, including community schools, established under Chapter 3314. of the Revised Code, and STEM schools, established under Chapter 3326. of the Revised Code.

(E) Not later than the thirty-first day of December of each school year, the department shall prepare a report on the implementation and effectiveness of the program established under this section and submit the report to the general assembly, in accordance with section 101.68 of the Revised Code, and to the governor. The report shall include:

(1) The number of students and participation rates in the free and reduced-price breakfast programs under this section for each school building;

(2) The type of breakfast model used by each school building participating in the breakfast program;

(3) The number of students and participation rates in free or reduced-price lunch for each school building.

Sec. 3313.821. The ~~superintendent of public instruction~~ department of education and workforce, in consultation with the governor's executive workforce board,

shall establish standards for the operation of business advisory 27903
councils established by the board of education of a school 27904
district or the governing board of an educational service center 27905
under section 3313.82 of the Revised Code. The standards adopted 27906
by the ~~state superintendent~~ department shall include at least 27907
the following requirements: 27908

(A) Each advisory council and the board of education or 27909
governing board that established it shall develop a plan by 27910
which the advisory council shall advise the board of at least 27911
those matters specified by the board pursuant to section 3313.82 27912
of the Revised Code. 27913

(B) Each plan developed pursuant to division (A) of this 27914
section shall be filed with the department of education and 27915
workforce. 27916

(C) Each business advisory council shall meet with its 27917
school board at least quarterly. 27918

(D) Each business advisory council and its school board 27919
shall file a joint statement, not later than the first day of 27920
March of each school year, describing how the school district or 27921
service center and its business advisory council has fulfilled 27922
their responsibilities pursuant to this section and section 27923
3313.82 of the Revised Code. 27924

Sec. 3313.843. (A) Notwithstanding division (D) of section 27925
3311.52 of the Revised Code, this section does not apply to any 27926
cooperative education school district. 27927

(B) (1) The board of education of each city, exempted 27928
village, or local school district with an average daily student 27929
enrollment of sixteen thousand or less, reported for the 27930
district on the most recent report card issued under section 27931

3302.03 of the Revised Code, shall enter into an agreement with 27932
the governing board of an educational service center, under 27933
which the educational service center governing board will 27934
provide services to the district. 27935

(2) The board of education of a city, exempted village, or 27936
local school district with an average daily student enrollment 27937
of more than sixteen thousand may enter into an agreement with 27938
the governing board of an educational service center, under 27939
which the educational service center governing board will 27940
provide services to the district. 27941

(3) Services provided under an agreement entered into 27942
under division (B)(1) or (2) of this section shall be specified 27943
in the agreement, and may include any of the following: 27944
supervisory teachers; in-service and continuing education 27945
programs for district personnel; curriculum services; research 27946
and development programs; academic instruction for which the 27947
governing board employs teachers pursuant to section 3319.02 of 27948
the Revised Code; assistance in the provision of special 27949
accommodations and classes for students with disabilities; or 27950
any other services the district board and service center 27951
governing board agree can be better provided by the service 27952
center and are not provided under an agreement entered into 27953
under section 3313.845 of the Revised Code. Services included in 27954
the agreement shall be provided to the district in the manner 27955
specified in the agreement. The district board of education 27956
shall reimburse the educational service center governing board 27957
pursuant to division (H) of this section. 27958

(C) Any agreement entered into pursuant to this section 27959
shall be filed with the department of education and workforce by 27960
the first day of July of the school year for which the agreement 27961

is in effect. 27962

(D) (1) An agreement for services from an educational 27963
service center entered into under this section may be terminated 27964
by the school district board of education, at its option, by 27965
notifying the governing board of the service center by March 1, 27966
2012, or by the first day of January of any odd-numbered year 27967
thereafter, that the district board intends to terminate the 27968
agreement in that year, and that termination shall be effective 27969
on the thirtieth day of June of that year. The failure of a 27970
district board to notify an educational service center of its 27971
intent to terminate an agreement by March 1, 2012, shall result 27972
in renewal of the existing agreement for the following school 27973
year. Thereafter, the failure of a district board to notify an 27974
educational service center of its intent to terminate an 27975
agreement by the first day of January of an odd-numbered year 27976
shall result in renewal of the existing agreement for the 27977
following two school years. 27978

(2) If the school district that terminates an agreement 27979
for services under division (D) (1) of this section is also 27980
subject to the requirement of division (B) (1) of this section, 27981
the district board shall enter into a new agreement with any 27982
educational service center so that the new agreement is 27983
effective on the first day of July of that same year. 27984

(3) If all moneys owed by a school district to an 27985
educational service center under an agreement for services 27986
terminated under division (D) (1) of this section have been paid 27987
in full by the effective date of the termination, the governing 27988
board of the service center shall submit an affidavit to the 27989
department certifying that fact not later than fifteen days 27990
after the termination's effective date. Notwithstanding anything 27991

in the Revised Code to the contrary, until the department 27992
receives such an affidavit, it shall not make any payments to 27993
any other educational service center with which the district 27994
enters into an agreement under this section for services that 27995
the educational service center provides to the district. 27996

(E) An educational service center may apply to any state 27997
or federal agency for competitive grants. It may also apply to 27998
any private entity for additional funds. 27999

(F) Not later than January 1, 2014, each educational 28000
service center shall post on its web site a list of all of the 28001
services that it provides and the corresponding cost for each of 28002
those services. 28003

(G) (1) For purposes of calculating any state operating 28004
subsidy to be paid to an educational service center for the 28005
operation of that service center and any services required under 28006
Title XXXIII of the Revised Code to be provided by the service 28007
center to a school district, the service center's student count 28008
shall be the sum of the total student counts of all the school 28009
districts with which the educational service center has entered 28010
into an agreement under this section. 28011

(2) When a district enters into a new agreement with a new 28012
educational service center, the department ~~of education~~ shall 28013
ensure that the state operating subsidy for services provided to 28014
the district is paid to the new educational service center and 28015
that the educational service center with which the district 28016
previously had an agreement is no longer paid a state operating 28017
subsidy for providing services to that district. 28018

(H) Pursuant to division (B) of section 3317.023 of the 28019
Revised Code, the department annually shall deduct from each 28020

school district that enters into an agreement with an 28021
educational service center under this section, and pay to the 28022
service center, an amount equal to six dollars and fifty cents 28023
times the school district's total student count. The district 28024
board of education, or the district superintendent acting on 28025
behalf of the district board, may agree to pay an amount in 28026
excess of six dollars and fifty cents per student in total 28027
student count. If a majority of the boards of education, or 28028
superintendents acting on behalf of the boards, of the districts 28029
that entered into an agreement under this section approve an 28030
amount in excess of six dollars and fifty cents per student in 28031
total student count, each district shall pay the excess amount 28032
to the service center. 28033

(I) (1) An educational service center may enter into a 28034
contract to purchase supplies, materials, equipment, and 28035
services, which may include those specified in division (B) of 28036
this section or Chapter 3312. of the Revised Code, or the 28037
delivery of such services, on behalf of a school district or 28038
political subdivision that has entered into an agreement with 28039
the service center under this section or section 3313.844, 28040
3313.845, or 3313.846 of the Revised Code. 28041

(2) Purchases made by a school district or political 28042
subdivision that has entered into an agreement with the service 28043
center as described in this division are exempt from competitive 28044
bidding required by law for the purchase of supplies, materials, 28045
equipment, or services. No political subdivision shall make any 28046
purchase under this division when the political subdivision has 28047
received bids for such purchase, unless the same terms, 28048
conditions, and specifications at a lower price can be made for 28049
such purchase under this division. 28050

(J) Any school district, community school, or STEM school 28051
that has entered into an agreement with an educational service 28052
center under this section or section 3313.844 or 3313.845 of the 28053
Revised Code shall be in compliance with federal law and exempt 28054
from competitive bidding requirements for personnel-based 28055
services pursuant to the authority granted to the Ohio 28056
department of education and workforce under federal law, 28057
provided the service center has met the following conditions: 28058

(1) It is in compliance with division (F) of this section. 28059

(2) It has been designated "high performing" under rule of 28060
~~the state board of education~~ department. 28061

(3) It has been found to be substantially in compliance 28062
with audit rules and guidelines in its most recent audit by the 28063
auditor of state. 28064

(K) For purposes of this section, a school district's 28065
"total student count" means the average daily student enrollment 28066
reported on the most recent report card issued for the district 28067
pursuant to section 3302.03 of the Revised Code. 28068

Sec. 3313.844. The governing authority of a community 28069
school established under Chapter 3314. of the Revised Code and 28070
the governing board of an educational service center may enter 28071
into an agreement, through adoption of identical resolutions, 28072
under which the service center board will provide services to 28073
the community school. Services provided under the agreement and 28074
the amount and manner in which the community school will pay for 28075
such services shall be mutually agreed to by the school's 28076
governing authority and the service center board, and shall be 28077
specified in the service agreement. If specified in the 28078
agreement as the manner of payment, the department of education_ 28079

and workforce shall pay the service center the amount due to it 28080
under the agreement and shall deduct that amount from the 28081
payments made to the community school under Chapter 3314. of the 28082
Revised Code. Any agreement entered into under this section 28083
shall be valid only if a copy is filed with the department. 28084

Sec. 3313.845. The board of education of a city, exempted 28085
village, local, or joint vocational school district and the 28086
governing board of an educational service center may enter into 28087
an agreement under which the educational service center will 28088
provide services to the school district. Services provided under 28089
the agreement and the amount to be paid for such services shall 28090
be mutually agreed to by the district board of education and the 28091
service center governing board, and shall be specified in the 28092
agreement. Payment for services specified in the agreement shall 28093
be made pursuant to the terms of that agreement. If specified in 28094
the agreement as the manner of payment, the department of 28095
education and workforce shall pay the service center the amount 28096
due to it under the agreement and shall deduct that amount from 28097
the payments made to the city, exempted village, local, or joint 28098
vocational school district under Chapter 3317. of the Revised 28099
Code. Any agreement entered into pursuant to this section shall 28100
be valid only if a copy is filed with the department. 28101

The authority granted under this section to the boards of 28102
education of city, exempted village, and local school districts 28103
is in addition to the authority granted to such boards under 28104
section 3313.843 of the Revised Code. 28105

Sec. 3313.846. The governing board of an educational 28106
service center may enter into a contract with any political 28107
subdivision as defined in section 2744.01 of the Revised Code, 28108
not including school districts, community schools, or STEM 28109

schools contracting for services under section 3313.843, 28110
3313.844, 3313.845, or 3326.45 of the Revised Code, under which 28111
the educational service center will provide services to the 28112
political subdivision. Services provided under the contract and 28113
the amount to be paid for such services shall be mutually agreed 28114
to by the parties and shall be specified in the contract. The 28115
political subdivision shall directly pay an educational service 28116
center for services specified in the contract. The board of the 28117
educational service center shall file a copy of each contract 28118
entered into under this section with the department of education 28119
and workforce by the first day the contract is in effect. 28120

Sec. 3313.90. As used in this section, "formula ADM" has 28121
the same meaning as in section 3317.02 of the Revised Code. 28122
Notwithstanding division (D) of section 3311.19 and division (D) 28123
of section 3311.52 of the Revised Code, the provisions of this 28124
section that apply to a city school district do not apply to any 28125
joint vocational or cooperative education school district. 28126

(A) Except as provided in division (B) of this section, 28127
each city, local, and exempted village school district shall, by 28128
one of the following means, provide to students enrolled in 28129
grades seven through twelve career-technical education adequate 28130
to prepare a student enrolled therein for an occupation: 28131

(1) Establishing and maintaining a career-technical 28132
education program that meets standards adopted by the ~~state~~ 28133
~~board~~ department of education and workforce; 28134

(2) Being a member of a joint vocational school district 28135
that meets standards adopted by the ~~state board~~ department; 28136

(3) Contracting for career-technical education with a 28137
joint vocational school district or another school district that 28138

meets the standards adopted by the ~~state board~~ department. 28139

The standards of the ~~state board of education~~ department 28140
shall include criteria for the participation by nonpublic 28141
students in career-technical education programs without 28142
financial assessment, charge, or tuition to such student except 28143
such assessments, charges, or tuition paid by resident public 28144
school students in such programs. Such nonpublic school students 28145
shall be included in the formula ADM of the school district 28146
maintaining the career-technical education program as part-time 28147
students in proportion to the time spent in the career-technical 28148
education program. 28149

By the thirtieth day of October of each year, the 28150
~~superintendent of public instruction~~ director of education and 28151
workforce shall determine and certify to the superintendent of 28152
each school district subject to this section either that the 28153
district is in compliance with the requirements of this section 28154
for the current school year or that the district is not in 28155
compliance. If the ~~superintendent~~ director certifies that the 28156
district is not in compliance, ~~he~~ the director shall notify the 28157
board of education of the district of the actions necessary to 28158
bring the district into compliance with this section. 28159

In meeting standards established by the ~~state board of~~ 28160
~~education~~ department, school districts, where practicable, shall 28161
provide career-technical education programs in high schools. A 28162
minimum enrollment of fifteen hundred students in grades nine 28163
through twelve is established as a base for comprehensive 28164
career-technical education course offerings. Beginning with the 28165
2015-2016 school year, this base shall increase to a minimum 28166
enrollment of two thousand two hundred fifty students in grades 28167
seven through twelve. A school district may meet this 28168

requirement alone, through a cooperative arrangement pursuant to 28169
section 3313.92 of the Revised Code, through school district 28170
consolidation, by membership in a joint vocational school 28171
district, by contract with a school district, by contract with a 28172
school licensed by any state agency established by the Revised 28173
Code which school operates its courses offered for contracting 28174
with public schools under standards as to staffing and 28175
facilities comparable to those prescribed by the ~~state board of~~ 28176
~~education department~~ for public schools provided no instructor 28177
in such courses shall be required to be certificated by the 28178
~~state department of education~~, or in a combination of such ways. 28179
Exceptions to the minimum enrollment prescribed by this section 28180
may be made by the ~~state board of education department~~ based on 28181
sparsity of population or other factors indicating that 28182
comprehensive educational and career-technical education 28183
programs as required by this section can be provided through an 28184
alternate plan. 28185

(B) If the board of education of a city, local, or 28186
exempted village school district adopts a resolution that 28187
specifies the district's intent not to provide career-technical 28188
education to students enrolled in grades seven and eight for a 28189
particular school year and submits that resolution to the 28190
department by the thirtieth day of September of that school 28191
year, the department shall waive the requirement for that 28192
district to provide career-technical education to students 28193
enrolled in grades seven and eight for that particular school 28194
year. 28195

Sec. 3313.902. (A) As used in this section: 28196

(1) "Approved industry credential or certificate" means a 28197
credential or certificate that is approved by the chancellor of 28198

higher education.	28199
(2) "Approved institution" means an eligible institution	28200
that has been approved to participate in the adult diploma pilot	28201
program under this section.	28202
(3) "Approved program of study" means a program of study	28203
offered by an approved institution that satisfies the	28204
requirements of division (B) of this section.	28205
(4) An eligible student's "career pathway training program	28206
amount" means the following:	28207
(a) If the student is enrolled in a tier one career	28208
pathway training program, \$4,800;	28209
(b) If the student is enrolled in a tier two career	28210
pathway training program, \$3,200;	28211
(c) If the student is enrolled in a tier three career	28212
pathway training program, \$1,600.	28213
(5) "Eligible institution" means any of the following:	28214
(a) A community college established under Chapter 3354. of	28215
the Revised Code;	28216
(b) A technical college established under Chapter 3357. of	28217
the Revised Code;	28218
(c) A state community college established under Chapter	28219
3358. of the Revised Code;	28220
(d) An Ohio technical center recognized by the chancellor	28221
that provides post-secondary workforce education.	28222
(6) "Eligible student" means an individual who is at least	28223
twenty years of age and has not received a high school diploma	28224
or a certificate of high school equivalence, as defined in	28225

section 4109.06 of the Revised Code. 28226

(7) A "tier one career pathway training program" is a 28227
career pathway training program that requires more than six 28228
hundred hours of technical training, as determined by the 28229
department of education and workforce. 28230

(8) A "tier two career pathway training program" is a 28231
career pathway training program that requires more than three 28232
hundred hours of technical training but less than six hundred 28233
hours of technical training, as determined by the department. 28234

(9) A "tier three career pathway training program" is a 28235
career pathway training program that requires three hundred 28236
hours or less of technical training, as determined by the 28237
department. 28238

(10) An eligible student's "work readiness training 28239
amount" means the following: 28240

(a) If the student's grade level upon initial enrollment 28241
in an approved program of study at an approved institution is 28242
below the ninth grade, as determined in accordance with rules 28243
adopted under division (E) of this section, \$1,500. 28244

(b) If the student's grade level upon initial enrollment 28245
in an approved program of study at an approved institution is at 28246
or above the ninth grade, as determined in accordance with rules 28247
adopted under division (E) of this section, \$750. 28248

(B) The adult diploma pilot program is hereby established 28249
to permit an eligible institution to obtain approval from the 28250
~~superintendent of public instruction~~ department of education and 28251
workforce and the chancellor to develop and offer a program of 28252
study that allows an eligible student to obtain a high school 28253
diploma. A program shall be eligible for this approval if it 28254

satisfies all of the following requirements: 28255

(1) The program allows an eligible student to complete the 28256
requirements for obtaining a high school diploma that are 28257
specified in rules adopted ~~by the superintendent~~ under division 28258
(E) of this section while also completing requirements for an 28259
approved industry credential or certificate. 28260

(2) The program includes career advising and outreach. 28261

(3) The program includes opportunities for students to 28262
receive a competency-based education. 28263

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 28264
3313.614, 3313.618, and 3313.619 of the Revised Code, the ~~state~~ 28265
~~board of education~~ department shall grant a high school diploma 28266
to each eligible student who enrolls in an approved program of 28267
study at an approved institution and completes the requirements 28268
for obtaining a high school diploma that are specified in rules 28269
adopted ~~by the superintendent~~ under division (E) of this 28270
section. 28271

(D) (1) The department shall calculate the following amount 28272
for each eligible student enrolled in each approved 28273
institution's approved program of study: 28274

(The student's career pathway training program amount + the 28275
student's work readiness training amount) X 1.2 28276

(2) Except as provided in division (D) (4) of this section, 28277
the department shall pay the amount calculated for an eligible 28278
student under division (D) (1) of this section to the approved 28279
institution in which the student is enrolled in the following 28280
manner: 28281

(a) Twenty-five per cent of the amount calculated under 28282

division (D) (1) of this section shall be paid to the approved 28283
institution after the student successfully completes the first 28284
third of the approved program of study, as determined by the 28285
department; 28286

(b) Twenty-five per cent of the amount calculated under 28287
division (D) (1) of this section shall be paid to the approved 28288
institution after the student successfully completes the second 28289
third of the approved program of study, as determined by the 28290
department; 28291

(c) Fifty per cent of the amount calculated under division 28292
(D) (1) of this section shall be paid to the approved institution 28293
after the student successfully completes the final third of the 28294
approved program of study, as determined by the department. 28295

(3) Of the amount paid to an approved institution under 28296
division (D) (2) of this section, the institution may use the 28297
amount that is in addition to the student's career pathway 28298
training amount and the student's work readiness training amount 28299
for the associated services of the approved program of study. 28300
These services include counseling, advising, assessment, and 28301
other services as determined or required by the department. 28302

(4) If the ~~superintendent~~ department and the chancellor 28303
determine that ~~is it~~ it is appropriate for an entity other than 28304
the department to make full or partial payments for an eligible 28305
student under division (D) (2) of this section, that entity shall 28306
make those payments and the department shall not make those 28307
payments. 28308

(E) The ~~superintendent~~ director of education and workforce, 28309
in consultation with the chancellor, shall adopt rules for the 28310
implementation of the adult diploma pilot program, including all 28311

of the following:	28312
(1) The requirements for applying for program approval;	28313
(2) The requirements for obtaining a high school diploma through the program, including the requirement to obtain a passing score on an assessment that is appropriate for the career pathway training program that is being completed by the eligible student, and the date on which these requirements take effect;	28314 28315 28316 28317 28318 28319
(3) The assessment or assessments that may be used to complete the assessment requirement for each career pathway training program under division (E)(2) of this section and the score that must be obtained on each assessment in order to pass the assessment;	28320 28321 28322 28323 28324
(4) Guidelines regarding the funding of the program under division (D) of this section, including a method of funding for students who transfer from one approved institution to another approved institution prior to completing an approved program of study;	28325 28326 28327 28328 28329
(5) Circumstances under which an eligible student may be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study;	28330 28331 28332
(6) A requirement that an eligible student may not be charged for tuition, supplies, or associated fees while enrolled in an approved institution's approved program of study except in the circumstances described under division (E)(5) of this section;	28333 28334 28335 28336 28337
(7) The payment of federal funds that are to be used by approved programs of study at approved institutions.	28338 28339

Sec. 3313.903. Except as otherwise required under federal law, the department of education and workforce shall consider an industry-recognized credential, as approved under section 3313.6113 of the Revised Code, or a license issued by a state agency or board for practice in a vocation that requires an examination for issuance of that license as an acceptable measure of technical skill attainment and shall not require a student with such credential or license to take additional technical assessments.

Additionally, the department shall not require a student who has participated in or will be participating in a credentialing assessment aligned to the student's career-technical education program or has participated in or will be participating in taking an examination for issuance of such a license aligned to the student's career-technical education program to take additional technical assessments.

However, if the student does not participate in the credentialing assessment or license examination, the student shall take the applicable technical assessments prescribed by the department.

The department shall develop, in consultation with the Ohio association for career and technical education, the Ohio association of career-technical superintendents, the Ohio association of city career-technical schools, and other stakeholders, procedures for identifying industry-recognized credentials and licenses aligned to a student's career-technical education program that can be used as an acceptable measure of technical skill, and for identifying students in the process of earning such credentials and licenses. The department shall consider the possibility of attaining college credit as a factor

when identifying an acceptable measure of technical skill. 28370

Not later than the thirty-first day of May of each year, 28371
the department shall, in consultation with the Ohio association 28372
for career and technical education, the Ohio association of 28373
career-technical superintendents, and the Ohio association of 28374
comprehensive and compact career-technical schools, update a 28375
list developed by the department regarding technical assessments 28376
subject to this section. 28377

As used in this section, "technical assessments" shall not 28378
include the nationally recognized job skills assessment 28379
prescribed under division ~~(G)~~ (F) of section 3301.0712 of the 28380
Revised Code. 28381

Nothing in this section shall exempt a student who wishes 28382
to qualify for a high school diploma under division (A) (3) of 28383
section 3313.618 of the Revised Code from the requirement to 28384
attain a specified score on that assessment in order to qualify 28385
for a high school diploma under that section. 28386

Sec. 3313.904. The department of education and workforce 28387
and the department of job and family services, in consultation 28388
with the governor's office of workforce transformation, shall 28389
establish an option for career-technical education students to 28390
participate in pre-apprenticeship training programs that impart 28391
the skills and knowledge needed for successful participation in 28392
a registered apprenticeship occupation course. 28393

Sec. 3313.905. (A) Southern state community college shall 28394
establish and maintain, for a period of five years, the Ohio 28395
code-scholar pilot program to address technical workforce needs. 28396

(B) Not later than July 31, 2021, southern state community 28397
college shall appoint a program coordinator who shall be 28398

responsible for all of the following, as well as any other 28399
responsibilities as determined by the southern state community 28400
college board of trustees: 28401

(1) Form a coalition and act as the liaison between 28402
southern state community college and the coalition to develop 28403
the pilot program. 28404

The coalition shall include members from the following: 28405

(a) The department of education and workforce; 28406

(b) Educators in grades kindergarten through twelve; 28407

(c) Career technical education staff; 28408

(d) Educational service center staff; 28409

(e) Representatives of post-secondary institutions in the 28410
areas in which the pilot program is operating; 28411

(f) Federally and state-funded research organizations, as 28412
determined by the southern state community college board of 28413
trustees and the program coordinator; 28414

(g) Local businesses in the areas in which the pilot 28415
program is operating, as determined by the southern state 28416
community college board of trustees and the program coordinator. 28417

(2) In collaboration with the coalition, as described in 28418
division (B)(1) of this section, develop a curriculum for grades 28419
seven through twelve to be utilized by the pilot program that 28420
focuses on industry standards in the field of computer sciences, 28421
including coding, and is divided as follows: 28422

(a) For grades seven and eight, a focus on career 28423
exploration, career readiness initiatives, and an introduction 28424
to coding and computer sciences; 28425

- (b) For grades nine through twelve, a focus on intermediate and advanced coding, computer sciences, and the potential for industry level credentialing. 28426
28427
28428
- (3) Submit an annual report to southern state community college regarding the progress and implementation of the pilot program; 28429
28430
28431
- (4) Determine the manner in which the pilot program shall recruit school districts and other participants for the fall of 2021 from the following counties: 28432
28433
28434
- (a) Southern Ohio, specifically, Fayette, Clinton, Adams, and Highland counties; 28435
28436
- (b) Brown county; 28437
- (c) Pike county. 28438
- (5) Develop a structured timeline by which the pilot program shall operate over the five-year period, with full administration beginning in the fall of 2022; 28439
28440
28441
- (6) Determine the manner in which to incorporate the college credit plus program as established under Chapter 3365. of the Revised Code within the pilot program; 28442
28443
28444
- (7) In collaboration with the designated department, advisor, and instructor, as appointed by southern state community college, develop a system for the articulation of credits earned under the pilot program and align them into a for-credit program at southern state community college; 28445
28446
28447
28448
28449
- (8) Act as fiscal operator of the pilot program. 28450
- (C) Upon completion of the pilot program, southern state community college, in collaboration with the program 28451
28452

coordinator, shall submit a full report and any legislative 28453
recommendations to the General Assembly, in accordance with 28454
section 101.68 of the Revised Code, regarding the outcomes of 28455
the pilot program. 28456

Sec. 3313.906. (A) As used in this section, "digital 28457
learning" has the same meaning as in section 3301.079 of the 28458
Revised Code. 28459

(B) The ~~state board~~ department of education and workforce 28460
shall permit each career-technical education program approved 28461
under section 3317.161 of the Revised Code to provide remote or 28462
digital learning opportunities to students on a full-time or 28463
hybrid basis to the extent practicable. 28464

Sec. 3313.91. Notwithstanding division (D) of section 28465
3311.19 and division (D) of section 3311.52 of the Revised Code, 28466
the provisions of this section and section 3313.911 of the 28467
Revised Code that apply to a city school district do not apply 28468
to any joint vocational or cooperative education school district 28469
unless otherwise specified. 28470

The board of education of any city, local, exempted 28471
village, or joint vocational school district may contract with 28472
any public agency, board, or bureau, or with any private 28473
individual or firm for the purchase of any vocational education 28474
or vocational rehabilitation service for any resident of the 28475
district under the age of twenty-one years and may pay for such 28476
services with public funds. Any such vocational education or 28477
vocational rehabilitation service shall meet the same 28478
requirements, including those for teachers, facilities, and 28479
equipment, as those required of the public schools and be 28480
approved by the ~~state~~ department of education and workforce. 28481

The ~~state board of education department~~ may assign city, 28482
local, or exempted village school districts to joint vocational 28483
districts and pursuant to ~~state board~~ the department's rules, 28484
shall require such districts to enter into contractual 28485
agreements pursuant to section 3313.90 of the Revised Code so 28486
that special education students as well as others may receive 28487
suitable vocational services. Such rules shall prescribe a 28488
formula under which the district that contracts to receive the 28489
services agrees to pay an annual fee to the district providing 28490
the vocational education program. The amount of the fee shall be 28491
computed in accordance with a formula prescribed by ~~state board~~ 28492
the department's rule, but the rule shall permit the 28493
~~superintendent of public instruction~~ director of education and 28494
workforce to prescribe a lower fee than the amount required to 28495
be paid by the formula in cases where ~~he~~ the director 28496
determines either that the approved vocational course offerings 28497
of the district that is to pay the fee are of sufficient breadth 28498
to warrant a lower annual fee, or that the situation warrants a 28499
lower annual fee. 28500

Sec. 3313.911. The ~~state board~~ department of education and 28501
workforce may ~~adopt a resolution assigning~~ assign a city, 28502
exempted village, or local school district that is not a part of 28503
a joint vocational school district to membership in a joint 28504
vocational school district. ~~A copy of the resolution~~ The 28505
department shall ~~be certified to notify~~ the board of education 28506
of the joint vocational school district and the board of 28507
education of the district proposed to be assigned of the 28508
assignment. The board of education of the joint vocational 28509
school district shall advertise ~~a copy of the resolution~~ the 28510
assignment in a newspaper of general circulation in the district 28511
proposed to be assigned once each week for two weeks, or as 28512

provided in section 7.16 of the Revised Code, immediately 28513
following the certification of the ~~resolution-assignment~~ to the 28514
board. The assignment shall take effect on the ninety-first day 28515
after the ~~state board adopts the resolution~~ department notifies 28516
the board, unless prior to that date qualified electors residing 28517
in the school district proposed for assignment, equal in number 28518
to ten per cent of the qualified electors of that district 28519
voting at the last general election, file a petition against the 28520
assignment. 28521

The petition of referendum shall be filed with the 28522
treasurer of the board of education of the district proposed to 28523
be assigned to the joint vocational school district. The 28524
treasurer shall give the person presenting the petition a 28525
receipt showing the time of day, date, and purpose of the 28526
petition. The treasurer shall cause the board of elections to 28527
determine the sufficiency of signatures on the petition and if 28528
the signatures are found to be sufficient, shall present the 28529
petition to the board of education of the district. The board of 28530
education shall promptly certify the question to the board of 28531
elections for the purpose of having the question placed on the 28532
ballot at the next general, primary, or special election not 28533
earlier than sixty days after the date of the certification. 28534

Only those qualified electors residing in the district 28535
proposed for assignment to the joint vocational school district 28536
are qualified to vote on the question. If a majority of the 28537
electors voting on the question vote against the assignment, it 28538
shall not take place, and the ~~state board of education~~ 28539
department shall require the district to contract with the joint 28540
vocational school district or another school district as 28541
authorized by section 3313.91 of the Revised Code. 28542

If a majority of the electors voting on the question do 28543
not vote against the assignment, the assignment shall take 28544
immediate effect, and the board of education of the joint 28545
vocational school district shall notify the county auditor of 28546
the county in which the school district becoming a part of the 28547
joint vocational school district is located to have any 28548
outstanding levy of the joint vocational school district spread 28549
over the territory of the school district that has become a part 28550
of the joint vocational school district. 28551

The assignment of a school district to a joint vocational 28552
school district pursuant to this section is subject to any 28553
agreements made between the board of education of the assigned 28554
school district and the board of education of the joint 28555
vocational school district. Such an agreement may include 28556
provisions for a payment by the assigned school district to the 28557
joint vocational school district of an amount to be contributed 28558
toward the cost of the existing facilities of the joint 28559
vocational school district. 28560

Sec. 3313.92. (A) The boards of education of any two or 28561
more school districts may, subject to the approval of the 28562
~~superintendent of public instruction~~department of education and 28563
workforce, enter into agreements for the joint or cooperative 28564
construction, acquisition, or improvement of any building, 28565
structure, or facility benefiting the parties thereto, 28566
including, without limitation, schools and classrooms for the 28567
purpose of Chapter 3323. of the Revised Code, and for the 28568
management, operation, occupancy, use, maintenance, or repair 28569
thereof, or for the joint or cooperative participation in 28570
programs, projects, activities, or services in connection with 28571
such buildings, structures, or facilities, including 28572
participation in the Ohio education computer network established 28573

by section 3301.075 of the Revised Code. 28574

(B) Any agreement entered into under authority of this 28575
section shall, where appropriate, provide for: 28576

(1) The method by which the building, structure, or 28577
facility shall be constructed, acquired, or improved and by 28578
which it shall be managed, occupied, maintained, and repaired, 28579
and specifically a designation of one of the boards of education 28580
to take and have exclusive charge of any and all details of 28581
construction, acquisition, or improvement, including any 28582
advertising for bids and the award of any construction or 28583
improvement contract pursuant to the law applicable to such 28584
board of education; 28585

(2) The manner in which the title to the buildings, 28586
structures, or facilities, including the sites and interests in 28587
real estate necessary therefor, is to be held by one or more of 28588
such boards of education; 28589

(3) The management or administration of any such programs, 28590
projects, activities, services, or joint exercise of powers, 28591
which may include management or administration by one of said 28592
boards of education; 28593

(4) The manner of apportionment or sharing of all of the 28594
costs, or specified classes of costs, including without 28595
limitation costs of planning, construction, acquisition, 28596
improvement, management, operation, maintenance, or repair of 28597
such buildings, structures, or facilities, or of planning and 28598
conducting such programs or projects, or obtaining such 28599
services, which apportionment or sharing may be based on fixed 28600
amounts, or on ratios or formulas, or affected through tuitions 28601
to be contributed by the parties or in such manner therein 28602

provided. 28603

(C) Any agreement entered into under authority of this 28604
section may provide for: 28605

(1) An orderly process for making determinations as to 28606
planning, execution, implementation, and operation, which may 28607
include provisions for a committee, board, or commission, and 28608
for representation thereon; 28609

(2) Securing necessary personnel, including participation 28610
of teachers and other personnel from the respective school 28611
districts; 28612

(3) Standards or conditions for the admission or 28613
participation of students and others, including students from 28614
other school districts; 28615

(4) Conditions for admittance of other school districts to 28616
participation under the agreement; 28617

(5) Fixing or establishing the method of determining 28618
special charges to be made for particular services or materials; 28619

(6) The manner of amending, supplementing, terminating, or 28620
withdrawal or removal of any party from, the agreement, and the 28621
term of the agreement or an indefinite term; 28622

(7) Designation of the applicants for or recipients of any 28623
state, federal, or other aid, assistance, or loans available by 28624
reason of any activities conducted under the agreement; 28625

(8) Designation of one or more of the participating boards 28626
of education to maintain, prepare, and submit, on behalf of all 28627
parties to the agreement, any or all records and reports with 28628
regard to the activities conducted under the agreement, 28629
including without limitation those required under sections 28630

3301.14, 3313.50, 3319.32 to 3319.37, 3321.12, 3323.08, and 28631
3323.13 of the Revised Code; 28632

(9) Such other matters as the parties thereto may agree 28633
upon for the purposes of division (A) of this section. 28634

(D) For the purpose of paying or contributing its share 28635
under an agreement made under this section, a board of education 28636
may: 28637

(1) Appropriate any moneys from its general fund, and from 28638
any other funds not otherwise restricted by law, including funds 28639
for permanent improvements of such board of education where the 28640
contribution is to be made toward the cost of permanent 28641
improvements under the agreement; 28642

(2) Issue bonds, and notes in anticipation thereof, under 28643
Chapter 133. and section 3311.20 of the Revised Code for any 28644
permanent improvement, as defined in section 133.01 of the 28645
Revised Code, to be provided under such agreement; 28646

(3) Levy taxes, and issue notes in anticipation thereof, 28647
under Chapters 3311. and 5705. of the Revised Code pertaining to 28648
such board of education, provided that the purpose of such levy 28649
may include the provision of funds for either or both permanent 28650
improvements and current operating expenses required as the 28651
share of such board of education under such agreement; 28652

(4) Contribute real and personal property for use under 28653
such agreement without necessity for competitive bidding on 28654
disposition of such property. 28655

(E) Funds provided by the parties to an agreement entered 28656
into under this section, whether by appropriation, the levy of 28657
taxes, the issuance of bonds or notes, or otherwise, shall be 28658
transferred to and placed in a separate fund or funds of such 28659

participating board of education as is designated the fiscal 28660
agent for such purpose under the agreement, shall be 28661
appropriated to and shall be applied for the purposes provided 28662
in such agreement, and shall be subject to audit and, pursuant 28663
to any determinations to be made as provided under such 28664
agreement, shall be deposited, invested, and disbursed under the 28665
provisions of law applicable to the board of education in whose 28666
custody those funds are held; and the records and reports of 28667
such board of education under Chapter 117. of the Revised Code 28668
with respect to those funds shall be sufficient without 28669
necessity for reports thereon by the other boards of education 28670
participating under such agreement. 28671

(F) As used in this section, "construction, acquisition, 28672
or improvement of any building, structure, or facility" also 28673
includes acquisition of real estate and interests in real estate 28674
therefor, site improvements, and furniture, furnishings, and 28675
equipment therefor. Buildings, structures, or facilities 28676
constructed, acquired, or improved under this section may, 28677
subject to the agreement, be used for any lawful purpose by each 28678
party so long as the use thereof is an authorized proper use for 28679
that party. 28680

(G) Any agreement entered into under this section shall be 28681
subject to any laws hereafter enacted making express reference 28682
therein to this section and requiring the transfer of any 28683
functions exercised or properties held under such agreement to 28684
any public officer, board, or body heretofore or hereafter 28685
established, or requiring the termination of such agreement, or 28686
otherwise affecting the agreement. 28687

(H) The powers granted in this section are supplementary 28688
to, and not in derogation of or restriction upon, all other 28689

powers of boards of education of school districts, and are to be 28690
liberally construed to permit the achievement of the objectives 28691
of this section and to permit the boards of education to take 28692
advantage of federal grant and loan programs, provided that the 28693
exercise of such powers shall be subject to such audit and 28694
regulation as would be applicable if exercised under any other 28695
provision of the Revised Code. 28696

Sec. 3313.941. (A) As used in this section, "state agency" 28697
means every organized body, office, or agency established by the 28698
laws or constitution of this state for the exercise of any 28699
function of state government. 28700

(B) Whenever a school district board of education collects 28701
racial data for the students enrolled in the school district or 28702
whenever the department of education and workforce or any other 28703
state agency collects or requires the collection and reporting 28704
of racial data for students enrolled in any chartered public or 28705
nonpublic school, the data collection shall include a 28706
multiracial category. 28707

For the purpose of reporting student racial data required 28708
by the federal government, if the federal standards for 28709
reporting student racial data do not include a multiracial 28710
category, both of the following apply: 28711

(1) Students identified as multiracial for state or 28712
district purposes also shall be identified by an appropriate 28713
federal category. 28714

(2) The parent, guardian, or custodian of each student 28715
shall have the opportunity to designate the appropriate federal 28716
racial category for the student. 28717

Sec. 3313.97. Notwithstanding division (D) of section 28718

3311.19 and division (D) of section 3311.52 of the Revised Code, 28719
this section does not apply to any joint vocational or 28720
cooperative education school district. 28721

(A) As used in this section: 28722

(1) "Parent" has the same meaning as in section 3313.64 of 28723
the Revised Code. 28724

(2) "Alternative school" means a school building other 28725
than the one to which a student is assigned by the district 28726
superintendent. 28727

(3) "IEP" has the same meaning as in section 3323.01 of 28728
the Revised Code. 28729

(B) The board of education of each city, local, and 28730
exempted village school district shall adopt an open enrollment 28731
policy allowing students entitled to attend school in the 28732
district pursuant to section 3313.64 or 3313.65 of the Revised 28733
Code to enroll in an alternative school. Each policy shall 28734
provide for the following: 28735

(1) Application procedures, including deadlines for 28736
application and for notification of students and principals of 28737
alternative schools whenever a student's application is 28738
accepted. The policy shall require a student to apply only if 28739
the student wishes to attend an alternative school. 28740

(2) The establishment of district capacity limits by grade 28741
level, school building, and education program; 28742

(3) A requirement that students enrolled in a school 28743
building or living in any attendance area of the school building 28744
established by the superintendent or board be given preference 28745
over applicants; 28746

(4) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	28747 28748
Each policy may permit a student to permanently transfer to an alternative school so that the student need not reapply annually for permission to attend the alternative school.	28749 28750 28751
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting applicants to alternative schools shall not include:	28752 28753 28754
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	28755 28756
(2) Limitations on admitting applicants because of disabling conditions, except that a board may require a student receiving services under Chapter 3323. of the Revised Code to attend school where the services described in the student's IEP are available;	28757 28758 28759 28760 28761
(3) A requirement that the student be proficient in the English language;	28762 28763
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant to an alternative school.	28764 28765 28766 28767 28768 28769 28770
(D) (1) Notwithstanding Chapter 3327. of the Revised Code, and except as provided in division (D) (2) of this section, a district board is not required to provide transportation to a nondisabled student enrolled in an alternative school unless such student can be picked up and dropped off at a regular	28771 28772 28773 28774 28775

school bus stop designated in accordance with the board's 28776
transportation policy or unless the board is required to provide 28777
additional transportation to the student in accordance with a 28778
court-approved desegregation plan. 28779

(2) A district board shall provide transportation to any 28780
student described in 20 U.S.C. 6316(b)(1)(F) to the extent 28781
required by division ~~(E)~~ (D) of section 3302.04 of the Revised 28782
Code, except that no district board shall be required to provide 28783
transportation to any such student after the school in which the 28784
student was enrolled immediately prior to enrolling in the 28785
alternative school makes adequate yearly progress, as defined in 28786
section 3302.01 of the Revised Code, for two consecutive school 28787
years. 28788

(E) Each school board shall provide information about the 28789
policy adopted under this section and the application procedures 28790
and deadlines to the parent of each student in the district and 28791
to the general public. 28792

(F) The ~~state board~~ department of education and workforce 28793
shall monitor school districts to ensure compliance with this 28794
section and the districts' policies. 28795

Sec. 3313.974. As used in this section and in sections 28796
3313.975 to 3313.979 of the Revised Code: 28797

(A) "Individualized education program" and "child with a 28798
disability" have the same meanings as in section 3323.01 of the 28799
Revised Code. 28800

(B) "Separately educated student with a disability" means 28801
a child with a disability who has an individualized education 28802
program providing for the student to spend at least half of each 28803
school day in a class or setting separated from nondisabled 28804

students. 28805

(C) "Low-income family" means a family whose income is 28806
below the level which the ~~superintendent of public instruction-~~ 28807
department of education and workforce shall establish. 28808

(D) "Parent" has the same meaning as in section 3313.98 of 28809
the Revised Code. 28810

(E) "Registered private school" means a school registered 28811
with the ~~superintendent of public instruction-~~ director of 28812
education and workforce pursuant to section 3313.976 of the 28813
Revised Code. 28814

(F) "Alternative school" means a registered private school 28815
located in a school district or a public school located in an 28816
adjacent school district. 28817

(G) "Tutorial assistance" means instructional services 28818
provided to a student outside of regular school hours approved 28819
by the commission on school choice pursuant to section 3313.976 28820
of the Revised Code. 28821

Sec. 3313.975. As used in this section and in sections 28822
3313.976 to 3313.979 of the Revised Code, "the pilot project 28823
school district" or "the district" means any school district 28824
included in the pilot project scholarship program pursuant to 28825
this section. 28826

(A) The ~~superintendent of public instruction-~~ director of 28827
education and workforce shall establish a- implement the pilot 28828
project scholarship program and shall include in such program 28829
any school districts that are or have ever been under federal 28830
court order requiring supervision and operational management of 28831
the district by the state superintendent or director. The 28832
program shall provide for a number of students residing in any 28833

such district to receive scholarships to attend alternative 28834
schools, and for an equal number of students to receive tutorial 28835
assistance grants while attending public school in any such 28836
district. 28837

(B) The ~~state superintendent~~ director shall establish an 28838
application process and deadline for accepting applications from 28839
students residing in the district to participate in the 28840
scholarship program. In the initial year of the program students 28841
may only use a scholarship to attend school in grades 28842
kindergarten through third. 28843

The ~~state superintendent~~ director shall award as many 28844
scholarships and tutorial assistance grants as can be funded 28845
given the amount appropriated for the program. 28846

(C) (1) The pilot project program shall continue in effect 28847
each year that the general assembly has appropriated sufficient 28848
money to fund scholarships and tutorial assistance grants. In 28849
each year the program continues, new students may receive 28850
scholarships in grades kindergarten to twelve. A student who has 28851
received a scholarship may continue to receive one until the 28852
student has completed grade twelve. 28853

(2) If the general assembly discontinues the scholarship 28854
program, all students who are attending an alternative school 28855
under the pilot project shall be entitled to continued 28856
admittance to that specific school through all grades that are 28857
provided in such school, under the same conditions as when they 28858
were participating in the pilot project. The ~~state~~ 28859
~~superintendent~~ director shall continue to make scholarship 28860
payments in accordance with section 3317.022 of the Revised Code 28861
for students who remain enrolled in an alternative school under 28862
this provision in any year that funds have been appropriated for 28863

this purpose. 28864

If funds are not appropriated, the tuition charged to the 28865
parents of a student who remains enrolled in an alternative 28866
school under this provision shall not be increased beyond the 28867
amount equal to the amount of the scholarship plus any 28868
additional amount charged that student's parent in the most 28869
recent year of attendance as a participant in the pilot project, 28870
except that tuition for all the students enrolled in such school 28871
may be increased by the same percentage. 28872

(D) Notwithstanding sections 124.39 and 3311.83 of the 28873
Revised Code, if the pilot project school district experiences a 28874
decrease in enrollment due to participation in a state-sponsored 28875
scholarship program pursuant to sections 3313.974 to 3313.979 of 28876
the Revised Code, the district board of education may enter into 28877
an agreement with any teacher it employs to provide to that 28878
teacher severance pay or early retirement incentives, or both, 28879
if the teacher agrees to terminate the employment contract with 28880
the district board, provided any collective bargaining agreement 28881
in force pursuant to Chapter 4117. of the Revised Code does not 28882
prohibit such an agreement for termination of a teacher's 28883
employment contract. 28884

Sec. 3313.976. (A) No private school may receive 28885
scholarship payments from parents pursuant to section 3317.022 28886
of the Revised Code until the chief administrator of the private 28887
school registers the school with the ~~superintendent of public~~ 28888
~~instruction~~ director of education and workforce. The ~~state~~ 28889
~~superintendent~~ director shall register any school that meets the 28890
following requirements: 28891

(1) The school does any of the following: 28892

(a) Offers any of grades kindergarten through twelve and is located within the boundaries of the pilot project school district;	28893 28894 28895
(b) Offers any of grades kindergarten through twelve and is located within the boundaries of a city, local, or exempted village school district that is both:	28896 28897 28898
(i) Located in a municipal corporation with a population of fifteen thousand or more;	28899 28900
(ii) Located within five miles of the border of the pilot project school district.	28901 28902
(c) Offers all of grades pre-kindergarten through eight, but not any of grades nine through twelve, and is located within the boundaries of a city, local, or exempted village school district that is:	28903 28904 28905 28906
(i) Located in a municipal corporation with a population of greater than ten thousand but less than thirteen thousand;	28907 28908
(ii) Located within five miles of the border of the pilot project school district;	28909 28910
(iii) Located in the same county as the pilot project school district.	28911 28912
(2) The school indicates in writing its commitment to follow all requirements for a state-sponsored scholarship program specified under sections 3313.974 to 3313.979 of the Revised Code, including, but not limited to, the requirements for admitting students pursuant to section 3313.977 of the Revised Code;	28913 28914 28915 28916 28917 28918
(3) The school meets all state minimum standards for chartered nonpublic schools in effect on July 1, 1992, except	28919 28920

that the ~~state superintendent~~ director at the ~~superintendent's~~ director's discretion may register nonchartered nonpublic schools meeting the other requirements of this division; 28921
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28923

(4) The school does not discriminate on the basis of race, religion, or ethnic background; 28924
28925

(5) The school enrolls a minimum of ten students per class or a sum of at least twenty-five students in all the classes offered; 28926
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(6) The school does not advocate or foster unlawful behavior or teach hatred of any person or group on the basis of race, ethnicity, national origin, or religion; 28929
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(7) The school does not provide false or misleading information about the school to parents, students, or the general public; 28932
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28934

(8) For students in grades kindergarten through eight with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section ~~5104.46~~ 5101.46 of the Revised Code, the school agrees not to charge any tuition in excess of the scholarship amount established pursuant to division (A)(11)(a) of section 3317.022 of the Revised Code, excluding any increase described in that division. 28935
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(9) For students in grades kindergarten through eight with family incomes above two hundred per cent of the federal poverty guidelines, whose scholarship amounts are less than the actual tuition charge of the school, the school agrees not to charge any tuition in excess of the difference between the actual tuition charge of the school and the scholarship amount established pursuant to division (A)(11)(a) of section 3317.022 of the Revised Code, excluding any increase described in that 28942
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division. The school shall permit such tuition, at the 28950
discretion of the parent, to be satisfied by the family's 28951
provision of in-kind contributions or services. 28952

(10) The school agrees not to charge any tuition to 28953
families of students in grades nine through twelve receiving a 28954
scholarship in excess of the actual tuition charge of the school 28955
less the scholarship amount established pursuant to division (A) 28956
(11) (a) of section 3317.022 of the Revised Code, excluding any 28957
increase described in that division. 28958

(11) It annually administers the applicable assessments 28959
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 28960
Revised Code to each scholarship student enrolled in the school 28961
in accordance with section 3301.0711 or 3301.0712 of the Revised 28962
Code and reports to the department of education the results of 28963
each such assessment administered to each scholarship student, 28964
unless one of the following applies to the student: 28965

(a) The student is excused from taking that assessment 28966
under federal law, the student's individualized education 28967
program, or division (C) (1) (c) (i) of section 3301.0711 of the 28968
Revised Code. 28969

(b) The student is enrolled in a chartered nonpublic 28970
school that meets the conditions specified in division (K) (2) or 28971
(L) (4) of section 3301.0711 of the Revised Code. 28972

(c) The student is enrolled in any of grades three to 28973
eight and takes an alternative standardized assessment under 28974
division (K) (1) of section 3301.0711 of the Revised Code. 28975

(d) The student is excused from taking the assessment 28976
prescribed under division (B) (1) of section 3301.0712 of the 28977
Revised Code pursuant to division (C) (1) (c) (ii) of section 28978

3301.0711 of the Revised Code. 28979

(B) The ~~state superintendent~~ director shall revoke the 28980
registration of any school if, after a hearing, the 28981
~~superintendent~~ director determines that the school is in 28982
violation of any of the provisions of division (A) of this 28983
section. 28984

(C) Any public school located in a school district 28985
adjacent to the pilot project school district may receive 28986
scholarship payments on behalf of parents pursuant to section 28987
3317.022 of the Revised Code if the superintendent of the 28988
district in which such public school is located notifies the 28989
~~state superintendent~~ director prior to the first day of March 28990
that the district intends to admit students from the pilot 28991
project school district for the ensuing school year pursuant to 28992
section 3327.06 of the Revised Code. 28993

(D) Any parent wishing to purchase tutorial assistance 28994
from any person or governmental entity pursuant to the pilot 28995
project program under sections 3313.974 to 3313.979 of the 28996
Revised Code shall apply to the ~~state superintendent~~ director. 28997
The ~~state superintendent~~ director shall approve providers who 28998
appear to possess the capability of furnishing the instructional 28999
services they are offering to provide. 29000

Sec. 3313.978. (A) Annually by the first day of November, 29001
the ~~superintendent of public instruction~~ director of education 29002
and workforce shall notify the pilot project school district of 29003
the number of initial scholarships that the ~~state superintendent~~ 29004
director will be awarding in each of grades kindergarten through 29005
twelve. 29006

The ~~state superintendent~~ director shall provide 29007

information about the scholarship program to all students 29008
residing in the district and shall accept applications from any 29009
such students during the application period established under 29010
division (H) of this section. 29011

(1) A student receiving a pilot project scholarship may 29012
utilize it at an alternative public school by notifying the 29013
district superintendent, of the name of the public school in an 29014
adjacent school district to which the student has been accepted 29015
pursuant to section 3327.06 of the Revised Code. 29016

(2) A student may decide to utilize a pilot project 29017
scholarship at a registered private school in the district if 29018
all of the following conditions are met: 29019

(a) The parent makes an application on behalf of the 29020
student to a registered private school. 29021

(b) The registered private school notifies the parent and 29022
the ~~state superintendent~~ director as follows that the student 29023
has been admitted: 29024

(i) By the school pursuant to division (A) of section 29025
3313.977 of the Revised Code; 29026

(ii) By the school pursuant to division (C) of section 29027
3313.977 of the Revised Code. 29028

(c) The student actually enrolls in the registered private 29029
school to which the student was first admitted or in another 29030
registered private school in the district or in a public school 29031
in an adjacent school district. 29032

(B) The ~~state superintendent~~ director of education and 29033
workforce shall also award in any school year tutorial 29034
assistance grants to a number of students equal to the number of 29035

students who receive scholarships under division (A) of this 29036
section. Tutorial assistance grants shall be awarded solely to 29037
students who are enrolled in the public schools of the district 29038
in a grade level covered by the pilot project. Tutorial 29039
assistance grants may be used solely to obtain tutorial 29040
assistance from a provider approved pursuant to division (D) of 29041
section 3313.976 of the Revised Code. 29042

All students wishing to obtain tutorial assistance grants 29043
shall make application to the ~~state superintendent~~ director by 29044
the first day of the school year in which the assistance will be 29045
used. The ~~state superintendent~~ director shall award assistance 29046
grants in accordance with criteria the ~~superintendent~~ director 29047
shall establish. 29048

(C) In the case of tutorial assistance grants, the grant 29049
amount shall not exceed the lesser of the provider's actual 29050
charges for such assistance or: 29051

(1) Before fiscal year 2007, a percentage established by 29052
the ~~state superintendent~~ director, not to exceed twenty per cent, 29053
of the amount of the pilot project school district's average 29054
basic scholarship amount; 29055

(2) In fiscal year 2007 and thereafter, four hundred 29056
dollars. 29057

(D) (1) Annually by the first day of November, the ~~state~~ 29058
~~superintendent~~ director shall estimate the maximum per-pupil 29059
scholarship amounts for the ensuing school year. The ~~state~~ 29060
~~superintendent~~ director shall make this estimate available to 29061
the general public at the offices of the district board of 29062
education together with the forms required by division (D) (2) of 29063
this section. 29064

(2) Annually by the fifteenth day of January, the chief administrator of each registered private school located in the pilot project district and the principal of each public school in such district shall complete a parental information form and forward it to the president of the board of education. The parental information form shall be prescribed by the department of education and workforce and shall provide information about the grade levels offered, the numbers of students, tuition amounts, achievement test results, and any sectarian or other organizational affiliations.

(E)(1) Only for the purpose of administering the pilot project scholarship program, the department may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

(a) The school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code;

(b) If applicable, the community school in which the student is enrolled;

(c) The independent contractor engaged to create and maintain data verification codes.

(2) Upon a request by the department under division (E)(1) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the

school year for which the scholarship is sought, the district 29094
shall assign a code to that student and submit the code to the 29095
department or parent by a date specified by the department. If 29096
the district does not assign a code to the student by the 29097
specified date, the department shall assign a code to the 29098
student. 29099

The department annually shall submit to each school 29100
district the name and data verification code of each student 29101
residing in the district who is entering kindergarten, who has 29102
been awarded a scholarship under the program, and for whom the 29103
department has assigned a code under this division. 29104

(3) The department shall not release any data verification 29105
code that it receives under division (E) of this section to any 29106
person except as provided by law. 29107

(F) Any document relative to the pilot project scholarship 29108
program that the department holds in its files that contains 29109
both a student's name or other personally identifiable 29110
information and the student's data verification code shall not 29111
be a public record under section 149.43 of the Revised Code. 29112

(G) (1) The department annually shall compile the scores 29113
attained by scholarship students enrolled in registered private 29114
schools on the assessments administered to the students pursuant 29115
to division (A) (11) of section 3313.976 of the Revised Code. The 29116
scores shall be aggregated as follows: 29117

(a) By school district, which shall include all 29118
scholarship students residing in the pilot project school 29119
district who are enrolled in a registered private school and 29120
were required to take an assessment pursuant to division (A) (11) 29121
of section 3313.976 of the Revised Code; 29122

(b) By registered private school, which shall include all	29123
scholarship students enrolled in that school who were required	29124
to take an assessment pursuant to division (A)(11) of section	29125
3313.976 of the Revised Code.	29126
(2) The department shall disaggregate the student	29127
performance data described in division (G)(1) of this section	29128
according to the following categories:	29129
(a) Grade level;	29130
(b) Race and ethnicity;	29131
(c) Gender;	29132
(d) Students who have participated in the scholarship	29133
program for three or more years;	29134
(e) Students who have participated in the scholarship	29135
program for more than one year and less than three years;	29136
(f) Students who have participated in the scholarship	29137
program for one year or less;	29138
(g) Economically disadvantaged students.	29139
(3) The department shall post the student performance data	29140
required under divisions (G)(1) and (2) of this section on its	29141
web site and shall include that data in the information about	29142
the scholarship program provided to students under division (A)	29143
of this section. In reporting student performance data under	29144
this division, the department shall not include any data that is	29145
statistically unreliable or that could result in the	29146
identification of individual students. For this purpose, the	29147
department shall not report performance data for any group that	29148
contains less than ten students.	29149

(4) The department shall provide the parent of each 29150
scholarship student enrolled in a registered private school with 29151
information comparing the student's performance on the 29152
assessments administered pursuant to division (A)(11) of section 29153
3313.976 of the Revised Code with the average performance of 29154
similar students enrolled in the building operated by the pilot 29155
project school district that the scholarship student would 29156
otherwise attend. In calculating the performance of similar 29157
students, the department shall consider age, grade, race and 29158
ethnicity, gender, and socioeconomic status. 29159

(H) The department shall open the application period on 29160
the first day of February prior to the first day of July of the 29161
school year for which a scholarship is sought. Not later than 29162
forty-five days after an applicant submits to the department of 29163
education and workforce a completed application, the department 29164
~~of education~~ shall determine whether that applicant is eligible 29165
for a scholarship and notify the applicant whether or not the 29166
applicant is eligible. The department ~~of education~~ shall award a 29167
scholarship to each student with an approved application. 29168
However, for any application submitted after the beginning of 29169
the school year, the department ~~of education~~ shall prorate the 29170
amount of the awarded scholarship based on how much of the 29171
school year remains. 29172

Sec. 3313.979. Each grant to be used for payments to an 29173
approved tutorial assistance provider is payable to the approved 29174
tutorial assistance provider. 29175

(A) By the fifteenth day of each month of the school year 29176
that any scholarship students are enrolled in a registered 29177
private school, the chief administrator of that school shall 29178
notify the ~~state superintendent~~ director of education and 29179

<u>workforce of:</u>	29180
(1) The number of scholarship students who were reported to the school district as having been admitted by that private school pursuant to division (A) (2) (b) of section 3313.978 of the Revised Code and who were still enrolled in the private school as of the first day of such month;	29181 29182 29183 29184 29185
(2) The number of scholarship students who were reported to the school district as having been admitted by another private school pursuant to division (A) (2) (b) of section 3313.978 of the Revised Code and since the date of admission have transferred to the school providing the notification under division (A) of this section.	29186 29187 29188 29189 29190 29191
(B) Whenever an approved provider provides tutorial assistance to a student, the state superintendent <u>director</u> shall pay the approved provider for such costs upon receipt of a statement specifying the services provided and the costs of the services, which statement shall be signed by the provider and verified by the chief administrator having supervisory control over the tutoring site. The total payments to any approved provider under this division for all provider services to any individual student in any school year shall not exceed the grant amount provided in division (C) of section 3313.978 of the Revised Code.	29192 29193 29194 29195 29196 29197 29198 29199 29200 29201 29202
Sec. 3313.98. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section and sections 3313.981 to 3313.983 of the Revised Code that apply to a city school district do not apply to a joint vocational or cooperative education school district unless expressly specified.	29203 29204 29205 29206 29207 29208

(A) As used in this section and sections 3313.981 to 3313.983 of the Revised Code:	29209 29210
(1) "Parent" means either of the natural or adoptive parents of a student, except under the following conditions:	29211 29212
(a) When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, "parent" means the residential parent as designated by the court except that "parent" means either parent when the court issues a shared parenting decree.	29213 29214 29215 29216 29217 29218 29219 29220 29221
(b) When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, "parent" means the legal custodian of the child.	29222 29223 29224 29225
(c) When a court has appointed a guardian for the student, "parent" means the guardian of the student.	29226 29227
(2) "Native student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in a district adopting a resolution under this section.	29228 29229 29230
(3) "Adjacent district" means a city, exempted village, or local school district having territory that abuts the territory of a district adopting a resolution under this section.	29231 29232 29233
(4) "Adjacent district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an adjacent district.	29234 29235 29236

(5) "Adjacent district joint vocational student" means an adjacent district student who enrolls in a city, exempted village, or local school district pursuant to this section and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student and does contain the territory of the city, exempted village, or local district in which the student enrolls.

(6) "Poverty line" means the poverty line established by the director of the United States office of management and budget as revised by the secretary of health and human services in accordance with section 673(2) of the "Community Services Block Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended.

(7) "IEP" has the same meaning as in section 3323.01 of the Revised Code.

(8) "Other district" means a city, exempted village, or local school district having territory outside of the territory of a district adopting a resolution under this section.

(9) "Other district student" means a student entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in an other district.

(10) "Other district joint vocational student" means a student who is enrolled in any city, exempted village, or local school district and who also enrolls in a joint vocational school district that does not contain the territory of the district for which that student is a native student in accordance with a policy adopted under section 3313.983 of the Revised Code.

(B) (1) The board of education of each city, local, and

exempted village school district shall adopt a resolution 29266
establishing for the school district one of the following 29267
policies: 29268

(a) A policy that entirely prohibits the enrollment of 29269
students from adjacent districts or other districts, other than 29270
students for whom tuition is paid in accordance with section 29271
3317.08 of the Revised Code; 29272

(b) A policy that permits enrollment of students from all 29273
adjacent districts in accordance with policy statements 29274
contained in the resolution; 29275

(c) A policy that permits enrollment of students from all 29276
other districts in accordance with policy statements contained 29277
in the resolution. 29278

(2) A policy permitting enrollment of students from 29279
adjacent or from other districts, as applicable, shall provide 29280
for all of the following: 29281

(a) Application procedures, including deadlines for 29282
application and for notification of students and the 29283
superintendent of the applicable district whenever an adjacent 29284
or other district student's application is approved. 29285

(b) Procedures for admitting adjacent or other district 29286
applicants free of any tuition obligation to the district's 29287
schools, including, but not limited to: 29288

(i) The establishment of district capacity limits by grade 29289
level, school building, and education program; 29290

(ii) A requirement that all native students wishing to be 29291
enrolled in the district will be enrolled and that any adjacent 29292
or other district students previously enrolled in the district 29293

shall receive preference over first-time applicants;	29294
(iii) Procedures to ensure that an appropriate racial balance is maintained in the district schools.	29295 29296
(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include:	29297 29298 29299
(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills;	29300 29301
(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools;	29302 29303 29304 29305 29306
(3) A requirement that the student be proficient in the English language;	29307 29308
(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant.	29309 29310 29311 29312 29313 29314 29315
(D) (1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student.	29316 29317 29318 29319 29320 29321

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state.

(E) Any school board shall accept all credits toward graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F) (1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section

3313.981 of the Revised Code. 29351

(G) The ~~state board~~ department of education and workforce shall monitor school districts to ensure compliance with this section and the districts' policies. The ~~board department~~ may adopt rules requiring uniform application procedures, deadlines for application, notification procedures, and record-keeping requirements for all school boards that adopt policies permitting the enrollment of adjacent or other district students, as applicable. If the ~~state board~~ department adopts such rules, no school board shall adopt a policy that conflicts with those rules. 29352
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(H) A resolution adopted by a board of education under this section that entirely prohibits the enrollment of students from adjacent and from other school districts does not abrogate any agreement entered into under section 3313.841 or 3313.92 of the Revised Code or any contract entered into under section 3313.90 of the Revised Code between the board of education adopting the resolution and the board of education of any adjacent or other district or prohibit these boards of education from entering into any such agreement or contract. 29362
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(I) Nothing in this section shall be construed to permit or require the board of education of a city, exempted village, or local school district to exclude any native student of the district from enrolling in the district. 29371
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Sec. 3313.981. (A) The ~~state board~~ department of education and workforce shall adopt rules requiring all of the following: 29375
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(1) The board of education of each city, exempted village, and local school district to annually report to the department ~~of education~~ all of the following: 29377
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(a) The number of adjacent district or other district students in grades kindergarten through twelve, as applicable,	29380
the number of adjacent district or other district students who are preschool children with disabilities, as applicable, and the number of adjacent district or other district joint vocational students, as applicable, enrolled in the district, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;	29381 29382 29383 29384 29385 29386 29387
(b) The number of native students in grades kindergarten through twelve enrolled in adjacent or other districts and the number of native students who are preschool children with disabilities enrolled in adjacent or other districts, in accordance with a policy adopted under division (B) of section 3313.98 of the Revised Code;	29388 29389 29390 29391 29392 29393
(c) Each adjacent district or other district student's or adjacent district or other district joint vocational student's date of enrollment in the district;	29394 29395 29396
(d) The full-time equivalent number of adjacent district or other district students enrolled in each of the categories of career-technical education programs or classes described in section 3317.014 of the Revised Code;	29397 29398 29399 29400
(e) Each native student's date of enrollment in an adjacent or other district.	29401 29402
(2) The board of education of each joint vocational school district to annually report to the department all of the following:	29403 29404 29405
(a) The number of adjacent district or other district joint vocational students, as applicable, enrolled in the district;	29406 29407 29408

(b) The full-time equivalent number of adjacent district 29409
or other district joint vocational students enrolled in each 29410
category of career-technical education programs or classes 29411
described in section 3317.014 of the Revised Code; 29412

(c) For each adjacent district or other district joint 29413
vocational student, the city, exempted village, or local school 29414
district in which the student is also enrolled. 29415

(3) Prior to the end of each reporting period specified in 29416
section 3317.03 of the Revised Code, the superintendent of each 29417
city, local, or exempted village school district that admits 29418
adjacent district or other district students who are in grades 29419
kindergarten through twelve, adjacent district or other district 29420
students who are preschool children with disabilities, or 29421
adjacent district or other district joint vocational students in 29422
accordance with a policy adopted under division (B) of section 29423
3313.98 of the Revised Code to report to the department ~~of~~ 29424
~~education~~ each adjacent or other district's students and where 29425
those students who are enrolled in the superintendent's district 29426
under the policy are entitled to attend school under section 29427
3313.64 or 3313.65 of the Revised Code. 29428

The rules shall provide for the method of counting 29429
students who are enrolled for part of a school year in an 29430
adjacent or other district or as an adjacent district or other 29431
district joint vocational student. 29432

(B) From the payments made to a city, exempted village, or 29433
local school district under Chapter 3317. of the Revised Code 29434
and, if necessary, from the payments made to the district under 29435
sections 321.24 and 323.156 of the Revised Code, the department 29436
~~of education~~ shall annually subtract, for each native student 29437
who is a preschool child with a disability reported under 29438

division (A) (1) of this section who is enrolled in an adjacent 29439
or other district pursuant to policies adopted by such a 29440
district under division (B) of section 3313.98 of the Revised 29441
Code, \$4,000. 29442

(C) To the payments made to a city, exempted village, or 29443
local school district under Chapter 3317. of the Revised Code, 29444
the department ~~of education~~ shall annually add, for each 29445
adjacent district or other district student who is a preschool 29446
child with a disability reported under division (A) (1) of this 29447
section who is enrolled in the district, \$4,000. 29448

(D) No city, exempted village, or local school district 29449
shall receive a payment under division (C) of this section for a 29450
student if for the same school year that student is counted in 29451
the district's enrollment certified under section 3317.03 of the 29452
Revised Code. 29453

(E) Upon request of a parent, and provided the board 29454
offers transportation to native students of the same grade level 29455
and distance from school under section 3327.01 of the Revised 29456
Code, a city, exempted village, or local school board enrolling 29457
an adjacent or other district student shall provide 29458
transportation for the student within the boundaries of the 29459
board's district, except that the board shall be required to 29460
pick up and drop off a nonhandicapped student only at a regular 29461
school bus stop designated in accordance with the board's 29462
transportation policy. Pursuant to rules of the ~~state board of~~ 29463
~~education~~ department, such board may reimburse the parent from 29464
funds received for pupil transportation under section 3317.0212 29465
of the Revised Code, or other provisions of law, for the 29466
reasonable cost of transportation from the student's home to the 29467
designated school bus stop if the student's family has an income 29468

below the federal poverty line. 29469

Sec. 3313.982. Notwithstanding division (C) (1) of section 29470
3313.97 and division (C) (1) of section 3313.98 of the Revised 29471
Code: 29472

(A) Any school district board operating any schools on 29473
October 1, 1989, admission to which was restricted to students 29474
possessing certain academic, athletic, artistic, or other 29475
skills, may continue to restrict admission to such schools. 29476

(B) Any district board that did not operate any schools 29477
described by division (A) of this section on October 1, 1989, 29478
and that desires to begin restricting admission to any school on 29479
the basis of student academic, athletic, artistic, or other 29480
skills, may submit a plan proposing such restricted admission to 29481
the ~~state board~~ department of education. If the ~~board~~ department 29482
finds that the plan will generally promote increased educational 29483
opportunities for students in the district and will not unduly 29484
restrict opportunities for some students, it may approve the 29485
plan and the district board may implement it during the next 29486
ensuing school year. 29487

Sec. 3314.011. (A) Every community school established 29488
under this chapter shall have a designated fiscal officer. 29489
Except as provided for in division (C) of this section, the 29490
fiscal officer shall be employed by or engaged under a contract 29491
with the governing authority of the community school. 29492

(B) Except as otherwise provided in section 3.061 of the 29493
Revised Code, the auditor of state shall require that the fiscal 29494
officer of any community school, before entering upon duties as 29495
fiscal officer of the school, execute a bond in an amount and 29496
with surety to be approved by the governing authority of the 29497

school, payable to the state, conditioned for the faithful 29498
performance of all the official duties required of the fiscal 29499
officer. The bond shall be deposited with the governing 29500
authority of the school, and a copy thereof, certified by the 29501
governing authority, shall be filed with the county auditor. 29502

(C) Prior to assuming the duties of fiscal officer, the 29503
fiscal officer designated under this section shall be licensed 29504
under section 3301.074 of the Revised Code. Any person serving 29505
as a fiscal officer of a community school on March 22, 2013, who 29506
is not licensed as a treasurer shall be permitted to serve as a 29507
fiscal officer for not more than one year following March 22, 29508
2013. Beginning on that date and thereafter, no community school 29509
shall permit any individual to serve as a fiscal officer without 29510
a license as required by this section. 29511

(D) (1) The governing authority of a community school may 29512
adopt a resolution waiving the requirement that the governing 29513
authority is the party responsible to employ or contract with 29514
the designated fiscal officer, as prescribed by division (A) of 29515
this section, so long as the school's sponsor also approves the 29516
resolution. The resolution shall be valid for one year. A new 29517
resolution shall be adopted for each year that the governing 29518
authority wishes to waive this requirement, so long as the 29519
school's sponsor also approves the resolution. 29520

No resolution adopted pursuant to this division may waive 29521
the requirement for a community school to have a designated 29522
fiscal officer. 29523

(2) If the governing authority adopts a resolution 29524
pursuant to division (D) (1) of this section, the school's 29525
designated fiscal officer annually shall meet with the governing 29526
authority to review the school's financial status. 29527

(3) The governing authority shall submit to the department 29528
of education and workforce a copy of each resolution adopted 29529
pursuant to division (D)(1) of this section. 29530

Sec. 3314.012. (A) ~~Within ninety days of September 28,~~ 29531
~~1999, the superintendent of public instruction~~ The director of 29532
education and workforce shall appoint representatives of the 29533
department of education and workforce, including employees who 29534
work with the education management information system, to a 29535
committee to develop report card models for community schools. 29536
The committee shall design model report cards appropriate for 29537
the various types of community schools approved to operate in 29538
the state. Sufficient models shall be developed to reflect the 29539
variety of grade levels served and the missions of the state's 29540
community schools. All models shall include both financial and 29541
academic data. ~~The initial models shall be developed by March-~~ 29542
~~31, 2000.~~ 29543

(B) Except as provided in section 3314.017 of the Revised 29544
Code, the department of education and workforce shall issue an 29545
annual report card for each community school, regardless of how 29546
long the school has been in operation. The report card shall 29547
report the academic and financial performance of the school 29548
utilizing one of the models developed under division (A) of this 29549
section. The report card shall include all information 29550
applicable to school buildings under section 3302.03 of the 29551
Revised Code. The ratings a community school receives under 29552
section 3302.03 of the Revised Code for its first two full 29553
school years shall not be considered toward automatic closure of 29554
the school under section 3314.35 of the Revised Code or any 29555
other matter that is based on report card ratings. 29556

(C) Upon receipt of a copy of a contract between a sponsor 29557

and a community school entered into under this chapter, the 29558
~~department of education~~ shall notify the community school of the 29559
specific model report card that will be used for that school. 29560

(D) Report cards shall be distributed to the parents of 29561
all students in the community school, to the members of the 29562
board of education of the school district in which the community 29563
school is located, and to any person who requests one from the 29564
department. 29565

Sec. 3314.013. (A) Until May 22, 2013, no internet- or 29566
computer-based community school shall operate unless the school 29567
was open for instruction as of May 1, 2005. No entity described 29568
in division (C) (1) of section 3314.02 of the Revised Code shall 29569
enter into a contract to sponsor an internet- or computer-based 29570
community school, including a conversion school, between May 1, 29571
2005, and May 22, 2013, except as follows: 29572

(1) The entity may renew a contract that the entity 29573
entered into with an internet- or computer-based community 29574
school prior to May 1, 2005, if the school was open for 29575
operation as of that date. 29576

(2) The entity may assume sponsorship of an existing 29577
internet- or computer-based community school that was formerly 29578
sponsored by another entity and may enter into a contract with 29579
that community school in accordance with section 3314.03 of the 29580
Revised Code. 29581

If a sponsor entered into a contract with an internet- or 29582
computer-based community school, including a conversion school, 29583
but the school was not open for operation as of May 1, 2005, the 29584
contract shall be void and the entity shall not enter into 29585
another contract with the school until May 22, 2013. 29586

(B) (1) Beginning on July 1, 2013, up to five new internet- 29587
or computer-based community schools may open each year, subject 29588
to approval of the ~~superintendent of public instruction~~ director 29589
of education and workforce under division (B) (2) of this 29590
section. 29591

(2) The ~~superintendent of public instruction~~ director 29592
shall approve applications for new internet- or computer-based 29593
community schools from only those applicants demonstrating 29594
experience and quality. 29595

The ~~state board~~ department of education and workforce 29596
shall adopt rules prescribing measures to determine experience 29597
and quality of applicants in accordance with Chapter 119. of the 29598
Revised Code. The measures shall include, but not be limited to, 29599
the following considerations: 29600

(a) The sponsor's experience with online schools; 29601

(b) The operator's experience with online schools; 29602

(c) The sponsor's and operator's previous record for 29603
student performance; 29604

(d) A preference for operators with previous experience in 29605
Ohio. 29606

~~The state board shall adopt the rules so that they are~~ 29607
~~effective May 22, 2013.~~ 29608

(3) The ~~department of education~~ shall notify any new 29609
internet- or computer-based community school governed by 29610
division (B) of this section of whether the ~~superintendent~~ 29611
director has approved or disapproved the school's application to 29612
open for the 2013-2014 school year not later than July 1, 2013. 29613
Notwithstanding the dates prescribed for adoption and signing on 29614

sponsor contracts in division (D) of section 3314.02 of the Revised Code, or the date for opening a school for instruction required by division (A) (25) of section 3314.03 of the Revised Code, a new internet- or computer-based community school approved for opening for the 2013-2014 school year under division (B) of this section may open and operate in that school year regardless of whether it has complied with those contract and opening dates. For each school year thereafter, the school shall comply with all applicable provisions of this chapter.

(4) Notwithstanding divisions (B) (1) and (2) of this section, a sponsor rated "exemplary" on its most recent evaluation conducted under section 3314.016 of the Revised Code is permitted to open up to two new internet- or computer-based community schools that will primarily serve students enrolled in a dropout prevention and recovery program each year, not to exceed six new schools in a five-year period.

(C) Nothing in division (A) or (B) of this section prohibits an internet- or computer-based community school from increasing the number of grade levels it offers.

Sec. 3314.015. (A) The department of education and workforce shall be responsible for the oversight of any and all sponsors of the community schools established under this chapter and shall provide technical assistance to schools and sponsors in their compliance with applicable laws and the terms of the contracts entered into under section 3314.03 of the Revised Code and in the development and start-up activities of those schools. In carrying out its duties under this section, the department shall do all of the following:

(1) In providing technical assistance to proposing parties, governing authorities, and sponsors, conduct training

sessions and distribute informational materials; 29645

(2) Approve entities to be sponsors of community schools; 29646

(3) Monitor and evaluate, as required under section 29647
3314.016 of the Revised Code, the effectiveness of any and all 29648
sponsors in their oversight of the schools with which they have 29649
contracted; 29650

(4) By December thirty-first of each year, issue a report 29651
to the governor, the speaker of the house of representatives, 29652
the president of the senate, and the chairpersons of the house 29653
and senate committees principally responsible for education 29654
matters regarding the effectiveness of academic programs, 29655
operations, and legal compliance and of the financial condition 29656
of all community schools established under this chapter and on 29657
the performance of community school sponsors; 29658

(5) From time to time, make legislative recommendations to 29659
the general assembly designed to enhance the operation and 29660
performance of community schools. 29661

(B) (1) Except as provided in sections 3314.021 and 29662
3314.027 of the Revised Code, no entity shall enter into a 29663
preliminary agreement under division (C) (2) of section 3314.02 29664
of the Revised Code or renew an existing contract to sponsor a 29665
community school until it has received approval from the 29666
department of ~~education~~ to sponsor community schools under this 29667
chapter and has entered into a written agreement with the 29668
department regarding the manner in which the entity will conduct 29669
such sponsorship. 29670

On and after July 1, 2017, each entity that sponsors a 29671
community school in this state, except for an entity described 29672
in sections 3314.021 and 3314.027 of the Revised Code, shall 29673

attain approval from the department in order to continue 29674
sponsoring schools regardless of whether that entity intends to 29675
enter into a preliminary agreement or renew an existing 29676
contract. 29677

All new and renewed agreements between the department and 29678
a sponsor shall contain specific language addressing the 29679
parameters under which the department can intervene and 29680
potentially revoke sponsorship authority in the event that the 29681
sponsor is unwilling or unable to fulfill its obligations. 29682
Additionally, each agreement shall set forth any territorial 29683
restrictions and limits on the number of schools that entity may 29684
sponsor, provide for an annual evaluation process, and include a 29685
stipulation permitting the department to modify the agreement 29686
under the following circumstances: 29687

(a) Poor fiscal management; 29688

(b) Lack of academic progress. 29689

(2) The initial term of a sponsor's agreement with the 29690
department shall be for up to five years. 29691

(a) An agreement entered into with the department pursuant 29692
to this section may be renewed for a term of up to ten years 29693
using the following criteria: 29694

(i) The academic performance of students enrolled in each 29695
community school the entity sponsors, as determined by the 29696
department pursuant to division (B) (1) (a) of section 3314.016 of 29697
the Revised Code; 29698

(ii) The sponsor's adherence to quality practices, as 29699
determined by the department pursuant to division (B) (1) (b) of 29700
section 3314.016 of the Revised Code; 29701

(iii) The sponsor's compliance with all applicable laws and administrative rules. 29702
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(b) Each agreement between the department and a sponsor shall specify that entities with an overall rating of "exemplary" for at least two consecutive years shall not be subject to the limit on the number of community schools the entity may sponsor or any territorial restrictions on sponsorship, for so long as that entity continues to be rated "exemplary." 29704
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(c) The ~~state board of education~~ department shall adopt in accordance with Chapter 119. of the Revised Code rules containing criteria, procedures, and deadlines for processing applications for approval of sponsors, for oversight of sponsors, for notifying a sponsor of noncompliance with applicable laws and administrative rules under division (F) of this section, for revocation of the approval of sponsors under division (C) of this section, and for entering into written agreements with sponsors. The rules shall require an entity to submit evidence of the entity's ability and willingness to comply with the provisions of division (D) of section 3314.03 of the Revised Code. The rules also shall require all entities approved as sponsors to demonstrate a record of financial responsibility and successful implementation of educational programs. If an entity seeking approval to sponsor community schools in this state sponsors or operates schools in another state, at least one of the schools sponsored or operated by the entity must be comparable to or better than the performance of Ohio schools in need of continuous improvement under section 3302.03 of the Revised Code, as determined by the department. 29711
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Subject to section 3314.016 of the Revised Code, an entity 29731

that sponsors community schools may enter into preliminary 29732
agreements and sponsor up to one hundred schools, provided each 29733
school and the contract for sponsorship meets the requirements 29734
of this chapter. 29735

(3) The ~~state board of education~~ department shall 29736
determine, pursuant to criteria specified in rules adopted in 29737
accordance with Chapter 119. of the Revised Code, whether the 29738
mission proposed to be specified in the contract of a community 29739
school to be sponsored by a state university board of trustees 29740
or the board's designee under division (C)(1)(e) of section 29741
3314.02 of the Revised Code complies with the requirements of 29742
that division. Such determination of the ~~state board~~ department 29743
is final. 29744

(4) The ~~state board of education~~ department shall 29745
determine, pursuant to criteria specified in rules adopted in 29746
accordance with Chapter 119. of the Revised Code, if any tax- 29747
exempt entity under section 501(c)(3) of the Internal Revenue 29748
Code that is proposed to be a sponsor of a community school is 29749
an education-oriented entity for purpose of satisfying the 29750
condition prescribed in division (C)(1)(f)(iii) of section 29751
3314.02 of the Revised Code. Such determination of the ~~state~~ 29752
~~board~~ department is final. 29753

(C) If at any time the ~~state board of education~~ department 29754
finds that a sponsor is not in compliance or is no longer 29755
willing to comply with its contract with any community school or 29756
with the department's rules for sponsorship, the ~~state board or~~ 29757
~~designee~~ department shall conduct a hearing in accordance with 29758
Chapter 119. of the Revised Code on that matter. If after the 29759
hearing, the ~~state board or designee~~ department has confirmed 29760
the original finding, ~~the department of education~~ it may revoke 29761

the sponsor's approval to sponsor community schools. In that 29762
case, the department's office of Ohio school sponsorship, 29763
established under section 3314.029 of the Revised Code, may 29764
assume the sponsorship of any schools with which the sponsor has 29765
contracted until the earlier of the expiration of two school 29766
years or until a new sponsor as described in division (C) (1) of 29767
section 3314.02 of the Revised Code is secured by the school's 29768
governing authority. The office of Ohio school sponsorship may 29769
extend the term of the contract in the case of a school for 29770
which it has assumed sponsorship under this division as 29771
necessary to accommodate the term of the department's 29772
authorization to sponsor the school specified in this division. 29773
Community schools sponsored under this division shall not apply 29774
to the limit on directly authorized community schools under 29775
division (A) (3) of section 3314.029 of the Revised Code. 29776
However, nothing in this division shall preclude a community 29777
school affected by this division from applying for sponsorship 29778
under that section. 29779

(D) The decision of the department to disapprove an entity 29780
for sponsorship of a community school or to revoke approval for 29781
such sponsorship under division (C) of this section, may be 29782
appealed by the entity in accordance with section 119.12 of the 29783
Revised Code. 29784

(E) The department shall adopt procedures for use by a 29785
community school governing authority and sponsor when the school 29786
permanently closes and ceases operation, which shall include at 29787
least procedures for data reporting to the department, handling 29788
of student records, distribution of assets in accordance with 29789
section 3314.074 of the Revised Code, and other matters related 29790
to ceasing operation of the school. 29791

(F) (1) In lieu of revoking a sponsor's authority to sponsor community schools under division (C) of this section, if the department finds that a sponsor is not in compliance with applicable laws and administrative rules, the department shall declare in a written notice to the sponsor the specific laws or rules, or both, for which the sponsor is noncompliant. A sponsor notified under division (F) (1) of this section shall respond to the department not later than fourteen days after the notification with a proposed plan to remedy the conditions for which the sponsor was found to be noncompliant. The department shall approve or disapprove the plan not later than fourteen days after receiving it. If the plan is disapproved, the sponsor may submit a revised plan to the department not later than fourteen days after receiving notification of disapproval from the department or not later than sixty days after the date the sponsor received notification of noncompliance from the department, whichever is earlier. The department shall approve or disapprove the revised plan not later than fourteen days after receiving it or not later than sixty days after the date the sponsor received notification of noncompliance from the department, whichever is earlier. A sponsor may continue to make revisions by the deadlines prescribed in division (F) (1) of this section to any revised plan that is disapproved by the department until the sixtieth day after the date the sponsor received notification of noncompliance from the department.

If a plan or a revised plan is approved, the sponsor shall implement it not later than sixty days after the date the sponsor received notification of noncompliance from the department or not later than thirty days after the plan is approved, whichever is later. If a sponsor does not respond to the department or implement an approved compliance plan by the

deadlines prescribed by division (F) (1) of this section, or if a sponsor does not receive approval of a compliance plan on or before the sixtieth day after the date the sponsor received notification of noncompliance from the department, the department shall declare in written notice to the sponsor that the sponsor is in probationary status, and may limit the sponsor's ability to sponsor additional schools.

(2) A sponsor that has been placed on probationary status under division (F) (1) of this section may apply to the department for its probationary status to be lifted. The application for a sponsor's probationary status to be lifted shall include evidence, occurring after the initial notification of noncompliance, of the sponsor's compliance with applicable laws and administrative rules. Not later than fourteen days after receiving an application from the sponsor, the department shall decide whether or not to remove the sponsor's probationary status.

(G) In carrying out its duties under this chapter, the department shall not impose requirements on community schools or their sponsors that are not permitted by law or duly adopted rules.

(H) This section applies to entities that sponsor conversion community schools and new start-up schools.

(I) Nothing in divisions (C) to (F) of this section prohibits the department from taking any action permitted or required under the written agreement between the department and a sponsoring entity without a hearing on the matter, in the event that the sponsor is unwilling or unable to fulfill its obligations.

Sec. 3314.016. This section applies to any entity that 29852
sponsors a community school, regardless of whether section 29853
3314.021 or 3314.027 of the Revised Code exempts the entity from 29854
the requirement to be approved for sponsorship under divisions 29855
(A) (2) and (B) (1) of section 3314.015 of the Revised Code. The 29856
office of Ohio school sponsorship established under section 29857
3314.029 of the Revised Code shall be rated under division (B) 29858
of this section, but divisions (A) and (C) of this section do 29859
not apply to the office. 29860

(A) An entity that sponsors a community school shall be 29861
permitted to enter into contracts under section 3314.03 of the 29862
Revised Code to sponsor additional community schools only if the 29863
entity meets all of the following criteria: 29864

(1) The entity is in compliance with all provisions of 29865
this chapter requiring sponsors of community schools to report 29866
data or information to the department of education and 29867
workforce. 29868

(2) The entity is not rated as "ineffective" under 29869
division (B) (6) of this section. 29870

(3) Except as set forth in sections 3314.021 and 3314.027 29871
of the Revised Code, the entity has received approval from and 29872
entered into an agreement with the department ~~of education~~ 29873
pursuant to section 3314.015 of the Revised Code. 29874

(B) (1) The department shall develop and implement an 29875
evaluation system that annually rates and assigns an overall 29876
rating to each entity that sponsors a community school. The 29877
department, not later than the first day of February of each 29878
year, shall post on the department's web site the framework for 29879
the evaluation system, including technical documentation that 29880

the department intends to use to rate sponsors for the next 29881
school year. The department shall solicit public comment on the 29882
evaluation system for thirty consecutive days. Not later than 29883
the first day of April of each year, the department shall 29884
compile and post on the department's web site all public 29885
comments that were received during the public comment period. 29886
The evaluation system shall be posted on the department's web 29887
site by the fifteenth day of July of each school year. Any 29888
changes to the evaluation system after that date shall take 29889
effect the following year. The evaluation system shall be based 29890
on the following components: 29891

(a) Academic performance of students enrolled in community 29892
schools sponsored by the same entity. The academic performance 29893
component shall be derived from the performance measures 29894
prescribed for the state report cards under section 3302.03 or 29895
3314.017 of the Revised Code, and shall be based on the 29896
performance of the schools for the school year for which the 29897
evaluation is conducted. In addition to the academic performance 29898
for a specific school year, the academic performance component 29899
shall also include year-to-year changes in the overall sponsor 29900
portfolio. For a community school for which no graded 29901
performance measures are applicable or available, the department 29902
shall use nonreport card performance measures specified in the 29903
contract between the community school and the sponsor under 29904
division (A) (4) of section 3314.03 of the Revised Code. 29905

(b) Adherence by a sponsor to the quality practices 29906
prescribed by the department under division (B) (3) of this 29907
section. For a sponsor that was rated "effective" or "exemplary" 29908
on its most recent rating, the department may evaluate that 29909
sponsor's adherence to quality practices once over a period of 29910
three years. If the department elects to evaluate a sponsor once 29911

over a period of three years, the most recent rating for a 29912
sponsor's adherence to quality practices shall be used when 29913
determining an annual overall rating conducted under this 29914
section. 29915

(c) Compliance with all applicable laws and administrative 29916
rules by an entity that sponsors a community school. 29917

Under the evaluation system prescribed under division (B) 29918
(1) of this section, the department shall not assign an overall 29919
rating of "ineffective" or lower to an entity that sponsors a 29920
community school solely because that entity received no points 29921
on one of the components prescribed under that division. 29922

(2) In calculating an academic performance component, the 29923
department shall exclude all community schools that have been in 29924
operation for not more than two full school years and all 29925
community schools described in division (A) (4) (b) of section 29926
3314.35 of the Revised Code. However, the academic performance 29927
of the community schools described in division (A) (4) (b) of 29928
section 3314.35 of the Revised Code shall be reported, but shall 29929
not be used as a factor when determining a sponsoring entity's 29930
rating under this section. 29931

(3) The department, in consultation with entities that 29932
sponsor community schools, shall prescribe quality practices for 29933
community school sponsors and develop an instrument to measure 29934
adherence to those quality practices. The quality practices 29935
shall be based on standards developed by the national 29936
association of charter school authorizers or any other 29937
nationally organized community school organization. 29938

(4) (a) The department may permit peer review of a 29939
sponsor's adherence to the quality practices prescribed under 29940

division (B) (3) of this section. Peer reviewers shall be limited 29941
to individuals employed by sponsors rated "effective" or 29942
"exemplary" on the most recent ratings conducted under this 29943
section. 29944

(b) The department shall require individuals participating 29945
in peer review under division (B) (4) (a) of this section to 29946
complete training approved or established by the department. 29947

(c) The department may enter into an agreement with 29948
another entity to provide training to individuals conducting 29949
peer review of sponsors. Prior to entering into an agreement 29950
with an entity, the department shall review and approve of the 29951
entity's training program. 29952

(5) The ~~state board~~ director of education and workforce 29953
shall adopt rules in accordance with Chapter 119. of the Revised 29954
Code prescribing standards for measuring compliance with 29955
applicable laws and rules under division (B) (1) (c) of this 29956
section. 29957

(6) The department annually shall rate all entities that 29958
sponsor community schools as either "exemplary," "effective," 29959
"ineffective," or "poor," based on the components prescribed by 29960
division (B) of this section, where each component is weighted 29961
equally. A separate rating shall be given by the department for 29962
each component of the evaluation system. 29963

The department shall publish the ratings between the first 29964
day of October and the fifteenth day of November. 29965

Prior to the publication of the final ratings, the 29966
department shall designate and provide notice of a period of at 29967
least ten business days during which each sponsor may review the 29968
information used by the department to determine the sponsor's 29969

rating on the components prescribed by division (B) (1) of this 29970
section. If the sponsor believes there is an error in the 29971
department's evaluation, the sponsor may request adjustments to 29972
the rating of any of those components based on documentation 29973
previously submitted as part of an evaluation. The sponsor shall 29974
provide to the department any necessary evidence or information 29975
to support the requested adjustments. The department shall 29976
review the evidence and information, determine whether an 29977
adjustment is valid, and promptly notify the sponsor of its 29978
determination and reasons. If any adjustments to the data could 29979
result in a change to the rating on the applicable component or 29980
to the overall rating, the department shall recalculate the 29981
ratings prior to publication. 29982

The department shall provide training on an annual basis 29983
regarding the evaluation system prescribed under this section. 29984
The training shall, at a minimum, describe methodology, 29985
timelines, and data required for the evaluation system. The 29986
first training session shall occur not later than March 2, 2016. 29987
Beginning in 2018, the training shall be made available to each 29988
entity that sponsors a community school by the fifteenth day of 29989
July of each year and shall include guidance on any changes made 29990
to the evaluation system. 29991

(7) (a) Entities with an overall rating of "exemplary" for 29992
the two most recent years in which the entity was evaluated may 29993
take advantage of the following incentives: 29994

(i) Renewal of the written agreement with the department, 29995
not to exceed ten years, provided that the entity consents to 29996
continued evaluation of adherence to quality practices as 29997
described in division (B) (1) (b) of this section; 29998

(ii) The ability to extend the term of the contract 29999

between the sponsoring entity and the community school beyond 30000
the term described in the written agreement with the department; 30001

(iii) An exemption from the preliminary agreement and 30002
contract adoption and execution deadline requirements prescribed 30003
in division (D) of section 3314.02 of the Revised Code; 30004

(iv) An exemption from the automatic contract expiration 30005
requirement, should a new community school fail to open by the 30006
thirtieth day of September of the calendar year in which the 30007
community school contract is executed; 30008

(v) No limit on the number of community schools the entity 30009
may sponsor; 30010

(vi) No territorial restrictions on sponsorship. 30011

An entity may continue to sponsor any community schools 30012
with which it entered into agreements under division (B) (7) (a) 30013
(v) or (vi) of this section while rated "exemplary," 30014
notwithstanding the fact that the entity later receives a lower 30015
overall rating. 30016

(b) Entities with an overall rating of "exemplary" or 30017
"effective" for the three most recent years in which the entity 30018
was evaluated shall be evaluated by the department once every 30019
three years. 30020

(c) (i) Entities that receive an overall rating of 30021
"ineffective" shall be prohibited from sponsoring any new or 30022
additional community schools during the time in which the 30023
sponsor is rated as "ineffective" and shall be subject to a 30024
quality improvement plan based on correcting the deficiencies 30025
that led to the "ineffective" rating, with timelines and 30026
benchmarks that have been established by the department. 30027

(ii) Entities that receive an overall rating of "ineffective" on their three most recent ratings shall have all sponsorship authority revoked. Within thirty days after receiving its third rating of "ineffective," the entity may appeal the revocation of its sponsorship authority to the ~~superintendent of public instruction~~ director, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the ~~state board of education~~ director shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed.

(d) Entities that receive an overall rating of "poor" shall have all sponsorship authority revoked. Within thirty days after receiving a rating of "poor," the entity may appeal the revocation of its sponsorship authority to the ~~superintendent of public instruction~~ director, who shall appoint an independent hearing officer to conduct a hearing in accordance with Chapter 119. of the Revised Code. The hearing shall be conducted within thirty days after receipt of the notice of appeal. Within forty-five days after the hearing is completed, the ~~state board of education~~ director shall determine whether the revocation is appropriate based on the hearing conducted by the independent hearing officer, and if determined appropriate, the revocation shall be confirmed.

(8) For the 2014-2015 school year and each school year thereafter, student academic performance prescribed under division (B)(1)(a) of this section shall include student academic performance data from community schools that primarily

serve students enrolled in a dropout prevention and recovery program. 30059
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(C) If the governing authority of a community school enters into a contract with a sponsor prior to the date on which the sponsor is prohibited from sponsoring additional schools under division (A) of this section and the school has not opened for operation as of that date, that contract shall be void and the school shall not open until the governing authority secures a new sponsor by entering into a contract with the new sponsor under section 3314.03 of the Revised Code. However, the department's office of Ohio school sponsorship, established under section 3314.029 of the Revised Code, may assume the sponsorship of the school until the earlier of the expiration of two school years or until a new sponsor is secured by the school's governing authority. A community school sponsored by the department under this division shall not be included when calculating the maximum number of directly authorized community schools permitted under division (A) (3) of section 3314.029 of the Revised Code. 30061
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(D) When an entity's authority to sponsor schools is revoked pursuant to division (B) (7) (c) or (d) of this section, the office of Ohio school sponsorship shall assume sponsorship of any schools with which the original sponsor has contracted for the remainder of that school year. The office may continue sponsoring those schools until the earlier of: 30078
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(1) The expiration of two school years from the time that sponsorship is revoked; 30084
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(2) When a new sponsor is secured by the governing authority pursuant to division (C) (1) of section 3314.02 of the Revised Code. 30086
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Any community school sponsored under this division shall 30089
not be counted for purposes of directly authorized community 30090
schools under division (A) (3) of section 3314.029 of the Revised 30091
Code. 30092

(E) The department shall recalculate the rating for the 30093
2017-2018 school year for each sponsor of a community school 30094
that receives recalculated ratings pursuant to division (I) of 30095
section 3314.017 of the Revised Code. 30096

Sec. 3314.017. (A) The ~~state board~~ department of education 30097
and workforce shall prescribe by rules, adopted in accordance 30098
with Chapter 119. of the Revised Code, an academic performance 30099
rating and report card system that satisfies the requirements of 30100
this section for community schools that primarily serve students 30101
enrolled in dropout prevention and recovery programs as 30102
described in division (A) (4) (a) of section 3314.35 of the 30103
Revised Code, to be used in lieu of the system prescribed under 30104
sections 3302.03 and 3314.012 of the Revised Code beginning with 30105
the 2012-2013 school year. Each such school shall comply with 30106
the testing and reporting requirements of the system as 30107
prescribed by the ~~state board~~ department. 30108

(B) Nothing in this section shall at any time relieve a 30109
school from its obligations under the "No Child Left Behind Act 30110
of 2001" to make "adequate yearly progress," as both that act 30111
and that term are defined in section 3302.01 of the Revised 30112
Code, or a school's amenability to the provisions of section 30113
3302.04 or 3302.041 of the Revised Code. The department ~~of~~ 30114
~~education~~ shall continue to report each school's performance as 30115
required by the act and to enforce applicable sanctions under 30116
section 3302.04 or 3302.041 of the Revised Code. 30117

(C) The rules adopted by the ~~state board~~ department shall 30118

prescribe the following performance indicators for the rating	30119
and report card system required by this section:	30120
(1) Graduation rate for each of the following student	30121
cohorts:	30122
(a) The number of students who graduate in four years or	30123
less with a regular high school diploma divided by the number of	30124
students who form the adjusted cohort for the graduating class;	30125
(b) The number of students who graduate in five years with	30126
a regular high school diploma divided by the number of students	30127
who form the adjusted cohort for the four-year graduation rate;	30128
(c) The number of students who graduate in six years with	30129
a regular high school diploma divided by the number of students	30130
who form the adjusted cohort for the four-year graduation rate;	30131
(d) The number of students who graduate in seven years	30132
with a regular high school diploma divided by the number of	30133
students who form the adjusted cohort for the four-year	30134
graduation rate;	30135
(e) The number of students who graduate in eight years	30136
with a regular high school diploma divided by the number of	30137
students who form the adjusted cohort for the four-year	30138
graduation rate.	30139
(2) The percentage of twelfth-grade students currently	30140
enrolled in the school who have attained the designated passing	30141
score on all of the state high school achievement assessments	30142
required under division (B) (1) of section 3301.0710 of the	30143
Revised Code or the cumulative performance score on the end-of-	30144
course examinations prescribed under division (B) (2) of section	30145
3301.0712 of the Revised Code, whichever applies, and other	30146
students enrolled in the school, regardless of grade level, who	30147

are within three months of their twenty-second birthday and have 30148
attained the designated passing score on all of the state high 30149
school achievement assessments or the cumulative performance 30150
score on the end-of-course examinations, whichever applies, by 30151
their twenty-second birthday; 30152

(3) Annual measurable objectives as defined in section 30153
3302.01 of the Revised Code; 30154

(4) Growth in student achievement in reading, or 30155
mathematics, or both as measured by separate nationally norm- 30156
referenced assessments that have developed appropriate standards 30157
for students enrolled in dropout prevention and recovery 30158
programs, adopted or approved by the ~~state board~~ department. 30159

(D) (1) The ~~state board's~~ department's rules shall 30160
prescribe the expected performance levels and benchmarks for 30161
each of the indicators prescribed by division (C) of this 30162
section based on the data gathered by the department under 30163
division (G) of this section. Based on a school's level of 30164
attainment or nonattainment of the expected performance levels 30165
and benchmarks for each of the indicators, the department shall 30166
rate each school in one of the following categories: 30167

(a) Exceeds standards; 30168

(b) Meets standards; 30169

(c) Does not meet standards. 30170

(2) The ~~state board's~~ department's rules shall establish 30171
all of the following: 30172

(a) Not later than June 30, 2013, performance levels and 30173
benchmarks for the indicators described in divisions (C) (1) to 30174
(3) of this section; 30175

(b) Not later than December 31, 2014, both of the following:	30176 30177
(i) Performance levels and benchmarks for the indicator described in division (C) (4) of this section;	30178 30179
(ii) Standards for awarding a community school described in division (A) (4) (a) of section 3314.35 of the Revised Code an overall designation, which shall be calculated as follows:	30180 30181 30182
(I) Thirty per cent of the score shall be based on the indicators described in division (C) (1) of this section that are applicable to the school year for which the overall designation is granted.	30183 30184 30185 30186
(II) Thirty per cent of the score shall be based on the indicators described in division (C) (4) of this section.	30187 30188
(III) Twenty per cent of the score shall be based on the indicators described in division (C) (2) of this section.	30189 30190
(IV) Twenty per cent of the score shall be based on the indicators described in division (C) (3) of this section.	30191 30192
(3) If both of the indicators described in divisions (C) (1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards."	30193 30194 30195 30196
The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school.	30197 30198 30199 30200
(E) (1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in	30201 30202 30203

divisions (D) (1) (a) to (c) of this section, for each community	30204
school described in division (A) (4) (a) of section 3314.35 of the	30205
Revised Code:	30206
(a) The graduation rates as described in divisions (C) (1)	30207
(a) to (c) of this section;	30208
(b) The percentage of twelfth-grade students and other	30209
students who have attained a designated passing score on high	30210
school achievement assessments as described in division (C) (2)	30211
of this section;	30212
(c) The statewide average for the graduation rates and	30213
assessment passage rates described in divisions (C) (1) (a) to (c)	30214
and (C) (2) of this section;	30215
(d) Annual measurable objectives described in division (C)	30216
(3) of this section.	30217
(2) For the 2013-2014 school year, the department shall	30218
issue a report card including the following performance measures	30219
for each community school described in division (A) (4) (a) of	30220
section 3314.35 of the Revised Code:	30221
(a) The graduation rates described in divisions (C) (1) (a)	30222
to (d) of this section, including a performance rating as	30223
described in divisions (D) (1) (a) to (c) of this section;	30224
(b) The percentage of twelfth-grade students and other	30225
students who have attained a designated passing score on high	30226
school achievement assessments as described in division (C) (2)	30227
of this section, including a performance rating as described in	30228
divisions (D) (1) (a) to (c) of this section;	30229
(c) Annual measurable objectives described in division (C)	30230
(3) of this section, including a performance rating as described	30231

in divisions (D)(1)(a) to (c) of this section;	30232
(d) Both of the following without an assigned rating:	30233
(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available;	30234 30235 30236
(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.	30237 30238 30239
(3) Beginning with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D)(1)(a) to (c) of this section:	30240 30241 30242 30243 30244 30245 30246
(a) The graduation rates as described in division (C)(1) of this section;	30247 30248
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section;	30249 30250 30251 30252
(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	30253 30254 30255
(d) Growth in annual student achievement in reading and mathematics as described in division (C)(4) of this section;	30256 30257
(e) An overall performance designation for the school calculated under rules adopted under division (D)(2) of this	30258 30259

section. 30260

The department shall also include student outcome data, 30261
including postsecondary credit earned, nationally recognized 30262
career or technical certification, military enlistment, job 30263
placement, attendance rate, and progress on closing achievement 30264
gaps for each school. This information shall not be included in 30265
the calculation of a school's performance rating. 30266

(F) Not later than the thirty-first day of July of each 30267
year, the department shall submit preliminary report card data 30268
for overall academic performance for each performance measure 30269
prescribed in division (E) (3) of this section for each community 30270
school to which this section applies. 30271

(G) In developing the rating and report card system 30272
required by this section, during the 2012-2013 and 2013-2014 30273
school years, the department shall gather and analyze data as 30274
determined necessary from each community school described in 30275
division (A) (4) (a) of section 3314.35 of the Revised Code. Each 30276
such school shall cooperate with the department by supplying 30277
requested data and administering required assessments, including 30278
sample assessments for purposes of measuring student achievement 30279
growth as described in division (C) (4) of this section. The 30280
department shall consult with stakeholder groups in performing 30281
its duties under this division. 30282

The department shall also identify one or more states that 30283
have established or are in the process of establishing similar 30284
academic performance rating systems for dropout prevention and 30285
recovery programs and consult with the departments of education 30286
of those states in developing the system required by this 30287
section. 30288

(H) ~~Not later than December 31, 2014, the state board~~ The 30289
department shall review the performance levels and benchmarks 30290
for performance indicators in the report card issued under this 30291
section and may revise them based on the data collected under 30292
division (G) of this section. 30293

(I) For the purposes of division (F) of section 3314.351 30294
of the Revised Code, the department shall recalculate the 30295
ratings for each school under division (E) (3) of this section 30296
for the 2017-2018 school year and calculate the ratings under 30297
that division for the 2018-2019 school year using the indicators 30298
prescribed by division (C) of this section, as it exists on and 30299
after July 18, 2019. 30300

Sec. 3314.02. (A) As used in this chapter: 30301

(1) "Sponsor" means the board of education of a school 30302
district or the governing board of an educational service center 30303
that agrees to the conversion of all or part of a school or 30304
building under division (B) of this section, or an entity listed 30305
in division (C) (1) of this section, which has been approved by 30306
the department of education and workforce to sponsor community 30307
schools or is exempted by section 3314.021 or 3314.027 of the 30308
Revised Code from obtaining approval, and with which the 30309
governing authority of a community school enters into a contract 30310
under section 3314.03 of the Revised Code. 30311

(2) "Pilot project area" means the school districts 30312
included in the territory of the former community school pilot 30313
project established by former Section 50.52 of Am. Sub. H.B. No. 30314
215 of the 122nd general assembly. 30315

(3) "Challenged school district" means any of the 30316
following: 30317

- (a) A school district that is part of the pilot project area; 30318
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- (b) A school district that meets one of the following conditions: 30320
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- (i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013; 30322
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- (ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code; 30326
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- (iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the district has received an overall grade of "D" or "F" under division (C) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C) (1) (e) of that section; 30331
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- (iv) For the 2021-2022 school year and for any school year thereafter, the district has received an overall performance rating of less than three stars under division (D) (3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received one star for progress under division (D) (3) (c) of that section. 30338
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- (c) A big eight school district; 30344
- (d) A school district ranked in the lowest five per cent of school districts according to performance index score under 30345
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section 3302.21 of the Revised Code. 30347

(4) "Big eight school district" means a school district 30348
that for fiscal year 1997 had both of the following: 30349

(a) A percentage of children residing in the district and 30350
participating in the predecessor of Ohio works first greater 30351
than thirty per cent, as reported pursuant to section 3317.10 of 30352
the Revised Code; 30353

(b) An average daily membership greater than twelve 30354
thousand, as reported pursuant to former division (A) of section 30355
3317.03 of the Revised Code. 30356

(5) "New start-up school" means a community school other 30357
than one created by converting all or part of an existing public 30358
school or educational service center building, as designated in 30359
the school's contract pursuant to division (A)(17) of section 30360
3314.03 of the Revised Code. 30361

(6) "Urban school district" means one of the state's 30362
twenty-one urban school districts as defined in division (O) of 30363
section 3317.02 of the Revised Code as that section existed 30364
prior to July 1, 1998. 30365

(7) "Internet- or computer-based community school" means a 30366
community school established under this chapter in which the 30367
enrolled students work primarily from their residences on 30368
assignments in nonclassroom-based learning opportunities 30369
provided via an internet- or other computer-based instructional 30370
method that does not rely on regular classroom instruction or 30371
via comprehensive instructional methods that include internet- 30372
based, other computer-based, and noncomputer-based learning 30373
opportunities unless a student receives career-technical 30374
education under section 3314.086 of the Revised Code. 30375

A community school that operates mainly as an internet- or 30376
computer-based community school and provides career-technical 30377
education under section 3314.086 of the Revised Code shall be 30378
considered an internet- or computer-based community school, even 30379
if it provides some classroom-based instruction, so long as it 30380
provides instruction via the methods described in this division. 30381

(8) "Operator" or "management company" means either of the 30382
following: 30383

(a) An individual or organization that manages the daily 30384
operations of a community school pursuant to a contract between 30385
the operator or management company and the school's governing 30386
authority; 30387

(b) A nonprofit organization that provides programmatic 30388
oversight and support to a community school under a contract 30389
with the school's governing authority and that retains the right 30390
to terminate its affiliation with the school if the school fails 30391
to meet the organization's quality standards. 30392

(9) "Alliance municipal school district" has the same 30393
meaning as in section 3311.86 of the Revised Code. 30394

(B) (1) Any person or group of individuals may initially 30395
propose under this division the conversion of all or a portion 30396
of a public school to a community school. The proposal shall be 30397
made to the board of education of the city, local, exempted 30398
village, or joint vocational school district in which the public 30399
school is proposed to be converted. 30400

(2) Any person or group of individuals may initially 30401
propose under this division the conversion of all or a portion 30402
of a building operated by an educational service center to a 30403
community school. The proposal shall be made to the governing 30404

board of the service center. 30405

On or after July 1, 2017, except as provided in section 30406
3314.027 of the Revised Code, any educational service center 30407
that sponsors a community school shall be approved by and enter 30408
into a written agreement with the department as described in 30409
section 3314.015 of the Revised Code. 30410

(3) Upon receipt of a proposal, and after an agreement has 30411
been entered into pursuant to section 3314.015 of the Revised 30412
Code, a board may enter into a preliminary agreement with the 30413
person or group proposing the conversion of the public school or 30414
service center building, indicating the intention of the board 30415
to support the conversion to a community school. A proposing 30416
person or group that has a preliminary agreement under this 30417
division may proceed to finalize plans for the school, establish 30418
a governing authority for the school, and negotiate a contract 30419
with the board. Provided the proposing person or group adheres 30420
to the preliminary agreement and all provisions of this chapter, 30421
the board shall negotiate in good faith to enter into a contract 30422
in accordance with section 3314.03 of the Revised Code and 30423
division (C) of this section. 30424

(4) The sponsor of a conversion community school proposed 30425
to open in an alliance municipal school district shall be 30426
subject to approval by the department of education and workforce 30427
for sponsorship of that school using the criteria established 30428
under division (A) of section 3311.87 of the Revised Code. 30429

Division (B) (4) of this section does not apply to a 30430
sponsor that, on or before September 29, 2015, was exempted 30431
under section 3314.021 or 3314.027 of the Revised Code from the 30432
requirement to be approved for sponsorship under divisions (A) 30433
(2) and (B) (1) of section 3314.015 of the Revised Code. 30434

(5) A school established in accordance with division (B) 30435
of this section that later enters into a sponsorship contract 30436
with an entity that is not a school district or educational 30437
service center shall, at the time of entering into the new 30438
contract, be deemed a community school established in accordance 30439
with division (C) of this section. 30440

(C) (1) Provided all other conditions of sponsorship and 30441
governance are satisfied, any person or group of individuals may 30442
propose under this division the establishment of a new start-up 30443
school regardless of the school's proposed location. The 30444
proposal may be made to any of the following entities: 30445

(a) The board of education of the district in which the 30446
school is proposed to be located; 30447

(b) The board of education of any joint vocational school 30448
district with territory in the county in which is located the 30449
majority of the territory of the district in which the school is 30450
proposed to be located; 30451

(c) The board of education of any other city, local, or 30452
exempted village school district having territory in the same 30453
county where the district in which the school is proposed to be 30454
located has the major portion of its territory; 30455

(d) The governing board of any educational service center, 30456
regardless of the location of the proposed school, may sponsor a 30457
new start-up school if all of the following are satisfied: 30458

(i) If applicable, it satisfies the requirements of 30459
division (E) of section 3311.86 of the Revised Code; 30460

(ii) It is approved to do so by the department; 30461

(iii) It enters into an agreement with the department 30462

under section 3314.015 of the Revised Code. 30463

(e) A sponsoring authority designated by the board of 30464
trustees of any of the thirteen state universities listed in 30465
section 3345.011 of the Revised Code or the board of trustees 30466
itself as long as a mission of the proposed school to be 30467
specified in the contract under division (A) (2) of section 30468
3314.03 of the Revised Code and as approved by the department 30469
under division (B) (3) of section 3314.015 of the Revised Code 30470
will be the practical demonstration of teaching methods, 30471
educational technology, or other teaching practices that are 30472
included in the curriculum of the university's teacher 30473
preparation program approved by the ~~state board of education~~ 30474
chancellor of higher education; 30475

(f) Any qualified tax-exempt entity under section 501(c) 30476
(3) of the Internal Revenue Code as long as all of the following 30477
conditions are satisfied: 30478

(i) The entity has been in operation for at least five 30479
years prior to applying to be a community school sponsor. 30480

(ii) The entity has assets of at least five hundred 30481
thousand dollars and a demonstrated record of financial 30482
responsibility. 30483

(iii) The department has determined that the entity is an 30484
education-oriented entity under division (B) (4) of section 30485
3314.015 of the Revised Code and the entity has a demonstrated 30486
record of successful implementation of educational programs. 30487

(iv) The entity is not a community school. 30488

(g) The mayor of a city in which the majority of the 30489
territory of a school district to which section 3311.60 of the 30490
Revised Code applies is located, regardless of whether that 30491

district has created the position of independent auditor as 30492
prescribed by that section. The mayor's sponsorship authority 30493
under this division is limited to community schools that are 30494
located in that school district. Such mayor may sponsor 30495
community schools only with the approval of the city council of 30496
that city, after establishing standards with which community 30497
schools sponsored by the mayor must comply, and after entering 30498
into a sponsor agreement with the department as prescribed under 30499
section 3314.015 of the Revised Code. The mayor shall establish 30500
the standards for community schools sponsored by the mayor not 30501
later than one hundred eighty days after July 15, 2013, and 30502
shall submit them to the department upon their establishment. 30503
The department shall approve the mayor to sponsor community 30504
schools in the district, upon receipt of an application by the 30505
mayor to do so. Not later than ninety days after the 30506
department's approval of the mayor as a community school 30507
sponsor, the department shall enter into the sponsor agreement 30508
with the mayor. 30509

Any entity described in division (C) (1) of this section 30510
may enter into a preliminary agreement pursuant to division (C) 30511
(2) of this section with the proposing person or group, provided 30512
that entity has been approved by and entered into a written 30513
agreement with the department pursuant to section 3314.015 of 30514
the Revised Code. 30515

(2) A preliminary agreement indicates the intention of an 30516
entity described in division (C) (1) of this section to sponsor 30517
the community school. A proposing person or group that has such 30518
a preliminary agreement may proceed to finalize plans for the 30519
school, establish a governing authority as described in division 30520
(E) of this section for the school, and negotiate a contract 30521
with the entity. Provided the proposing person or group adheres 30522

to the preliminary agreement and all provisions of this chapter, 30523
the entity shall negotiate in good faith to enter into a 30524
contract in accordance with section 3314.03 of the Revised Code. 30525

(3) A new start-up school that is established in a school 30526
district described in either division (A) (3) (b) or (d) of this 30527
section may continue in existence once the school district no 30528
longer meets the conditions described in either division, 30529
provided there is a valid contract between the school and a 30530
sponsor. 30531

(4) A copy of every preliminary agreement entered into 30532
under this division shall be filed with the ~~superintendent of~~ 30533
~~public instruction~~director of education and workforce. 30534

(D) A majority vote of the board of a sponsoring entity 30535
and a majority vote of the members of the governing authority of 30536
a community school shall be required to adopt a contract and 30537
convert the public school or educational service center building 30538
to a community school or establish the new start-up school. 30539
Beginning September 29, 2005, adoption of the contract shall 30540
occur not later than the fifteenth day of March, and signing of 30541
the contract shall occur not later than the fifteenth day of 30542
May, prior to the school year in which the school will open. The 30543
governing authority shall notify the department of education and 30544
workforce when the contract has been signed. Subject to sections 30545
3314.013 and 3314.016 of the Revised Code, an unlimited number 30546
of community schools may be established in any school district 30547
provided that a contract is entered into for each community 30548
school pursuant to this chapter. 30549

(E) (1) As used in this division, "immediate relatives" are 30550
limited to spouses, children, parents, grandparents, and 30551
siblings, as well as in-laws residing in the same household as 30552

the person serving on the governing authority. 30553

Each new start-up community school established under this 30554
chapter shall be under the direction of a governing authority 30555
which shall consist of a board of not less than five 30556
individuals. 30557

(2) (a) No person shall serve on the governing authority or 30558
operate the community school under contract with the governing 30559
authority under any of the following circumstances: 30560

(i) The person owes the state any money or is in a dispute 30561
over whether the person owes the state any money concerning the 30562
operation of a community school that has closed. 30563

(ii) The person would otherwise be subject to division (B) 30564
of section 3319.31 of the Revised Code with respect to refusal, 30565
limitation, or revocation of a license to teach, if the person 30566
were a licensed educator. 30567

(iii) The person has pleaded guilty to or been convicted 30568
of theft in office under section 2921.41 of the Revised Code, or 30569
has pleaded guilty to or been convicted of a substantially 30570
similar offense in another state. 30571

(b) No person shall serve on the governing authority or 30572
engage in the financial day-to-day management of the community 30573
school under contract with the governing authority unless and 30574
until that person has submitted to a criminal records check in 30575
the manner prescribed by section 3319.39 of the Revised Code. 30576

(c) Each sponsor of a community school shall annually 30577
verify that a finding for recovery has not been issued by the 30578
auditor of state against any individual or individuals who 30579
propose to create a community school or any member of the 30580
governing authority, the operator, or any employee of each 30581

community school with responsibility for fiscal operations or 30582
authorization to expend money on behalf of the school. 30583

(3) No person shall serve on the governing authorities of 30584
more than five start-up community schools at the same time 30585
unless both of the following apply: 30586

(a) The person serves in a volunteer capacity and receives 30587
no compensation under division (E) (5) of this section from any 30588
governing authority on which the person serves. 30589

(b) For any school that has an operator, the operator is a 30590
nonprofit organization. 30591

(4) (a) For a community school established under this 30592
chapter that is not sponsored by a school district or an 30593
educational service center, no present or former member, or 30594
immediate relative of a present or former member, of the 30595
governing authority shall be an owner, employee, or consultant 30596
of the community school's sponsor or operator, unless at least 30597
one year has elapsed since the conclusion of the person's 30598
membership on the governing authority. 30599

(b) For a community school established under this chapter 30600
that is sponsored by a school district or an educational service 30601
center, no present or former member, or immediate relative of a 30602
present or former member, of the governing authority shall: 30603

(i) Be an officer of the district board or service center 30604
governing board that serves as the community school's sponsor, 30605
unless at least one year has elapsed since the conclusion of the 30606
person's membership on the governing authority; 30607

(ii) Serve as an employee of, or a consultant for, the 30608
department, division, or section of the sponsoring district or 30609
service center that is directly responsible for sponsoring 30610

community schools, or have supervisory authority over such a department, division, or section, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority.

(5) The governing authority of a start-up or conversion community school may provide by resolution for the compensation of its members. However, no individual who serves on the governing authority of a start-up or conversion community school shall be compensated more than one hundred twenty-five dollars per meeting of that governing authority and no such individual shall be compensated more than a total amount of five thousand dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

(6) No person who is the employee of a school district or educational service center shall serve on the governing authority of any community school sponsored by that school district or service center.

(7) Each member of the governing authority of a community school shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates employed by any of the following within the previous three years:

(a) The sponsor or operator of that community school;

(b) A school district or educational service center that 30640
has contracted with that community school; 30641

(c) A vendor that is or has engaged in business with that 30642
community school. 30643

(8) No person who is a member of a school district board 30644
of education shall serve on the governing authority of any 30645
community school. 30646

(F) (1) A new start-up school that is established prior to 30647
August 15, 2003, in an urban school district that is not also a 30648
big-eight school district may continue to operate after that 30649
date and the contract between the school's governing authority 30650
and the school's sponsor may be renewed, as provided under this 30651
chapter, after that date. 30652

(2) A community school that was established prior to June 30653
29, 1999, and is located in a county contiguous to the pilot 30654
project area and in a school district that was not a challenged 30655
school district may continue to operate after that date, 30656
provided the school complies with all provisions of this 30657
chapter. The contract between the school's governing authority 30658
and the school's sponsor may be renewed. 30659

(3) Any educational service center that, on June 30, 2007, 30660
sponsors a community school that is not located in a county 30661
within the territory of the service center or in a county 30662
contiguous to such county may continue to sponsor that community 30663
school on and after June 30, 2007, and may renew its contract 30664
with the school. 30665

(4) ~~On and after the effective date of this amendment, the~~ 30666
The department of education and workforce shall not restrict the 30667
establishment of a new start-up community school to those 30668

located in a challenged school district as was required by this 30669
section prior to ~~the effective date of this amendment~~September 30670
30, 2021. 30671

Sec. 3314.021. (A) This section applies to any entity that 30672
is exempt from taxation under section 501(c)(3) of the Internal 30673
Revenue Code and that satisfies the conditions specified in 30674
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 30675
Revised Code but does not satisfy the condition specified in 30676
division (C)(1)(f)(i) of that section. 30677

(B) Notwithstanding division (C)(1)(f)(i) of section 30678
3314.02 of the Revised Code, and subject to division (D)(2) of 30679
this section, an entity described in division (A) of this 30680
section may do both of the following without obtaining the 30681
department of ~~education's~~education and workforce's initial 30682
approval of its sponsorship under divisions (A)(2) and (B)(1) of 30683
section 3314.015 of the Revised Code: 30684

(1) Succeed the board of trustees of a state university 30685
located in the pilot project area or that board's designee as 30686
the sponsor of a community school established under this 30687
chapter; 30688

(2) Continue to sponsor that school in conformance with 30689
the terms of the contract between the board of trustees or its 30690
designee and the governing authority of the community school and 30691
renew that contract as provided in division (E) of section 30692
3314.03 of the Revised Code. 30693

(C) The entity that succeeds the board of trustees or the 30694
board's designee as sponsor of a community school under division 30695
(B) of this section also may enter into contracts to sponsor 30696
other community schools regardless of the proposed school's 30697

location, without obtaining the department's initial approval of 30698
its sponsorship of those schools under divisions (A) (2) and (B) 30699
(1) of section 3314.015 of the Revised Code as long as the 30700
contracts conform with and the entity complies with all other 30701
requirements of this chapter. 30702

(D) (1) Regardless of the entity's authority to sponsor 30703
community schools without the initial approval of the 30704
department, the entity is under the continuing oversight of the 30705
department in accordance with rules adopted under section 30706
3314.015 of the Revised Code. 30707

(2) If an entity described in division (A) of this section 30708
receives a rating below "effective" under division (B) of 30709
section 3314.016 of the Revised Code for two or more consecutive 30710
years, that entity shall receive approval from the department ~~of~~ 30711
~~education~~ to sponsor community schools and enter into a written 30712
agreement with the department in accordance with division (B) (1) 30713
of section 3314.015 of the Revised Code prior to entering into 30714
any further preliminary agreements under division (C) (2) of 30715
section 3314.02 of the Revised Code or renewing any existing 30716
contract to sponsor a community school. 30717

(E) (1) As used in division (E) of this section: 30718

(a) "Board of trustees" means a board of trustees of a 30719
state university located in the pilot project area. 30720

(b) "Rating" means a sponsor rating under section 3314.016 30721
of the Revised Code. 30722

(2) Notwithstanding anything to the contrary in division 30723
(B) (7) (b) of section 3314.016 of the Revised Code, for the 30724
purposes of that division, the department shall consider an 30725
entity that succeeded a board of trustees as the sponsor of a 30726

community school in accordance with division (B) (1) of this 30727
section to have received the same rating for the 2016-2017 30728
school year as the board of trustees, provided all of the 30729
following apply: 30730

(a) The department assigned the board of trustees a rating 30731
of either "effective" or "exemplary" for the 2016-2017 school 30732
year. 30733

(b) The department did not assign the entity its own 30734
rating for the 2016-2017 school year. 30735

(c) The department assigned the entity its own rating for 30736
the 2017-2018 school year. 30737

Sec. 3314.023. A sponsor shall provide monitoring, 30738
oversight, and technical assistance to each school that it 30739
sponsors. In order to provide monitoring, oversight, and 30740
technical assistance, a representative of the sponsor of a 30741
community school shall meet with the governing authority or 30742
fiscal officer of the school and shall review the financial and 30743
enrollment records of the school at least once every month. Not 30744
later than ten days after each review, the sponsor shall provide 30745
the governing authority and fiscal officer with a written report 30746
regarding the review. Copies of those financial and enrollment 30747
records shall be furnished to the community school sponsor and 30748
operator, members of the governing authority, and the fiscal 30749
officer designated in section 3314.011 of the Revised Code on a 30750
monthly basis. 30751

If a community school closes or is permanently closed, the 30752
designated fiscal officer shall deliver all financial and 30753
enrollment records to the school's sponsor within thirty days of 30754
the school's closure. If the fiscal officer fails to provide the 30755

records in a timely manner, or fails to faithfully perform any 30756
of the fiscal officer's other duties, the sponsor has the right 30757
of action against the fiscal officer to compel delivery of all 30758
financial and enrollment records of the school and shall, if 30759
necessary, seek recovery of any funds owed as a result of any 30760
finding of recovery by the auditor of state against the fiscal 30761
officer. 30762

For purposes of this chapter, "monitoring, oversight, and 30763
technical assistance" shall include the following: 30764

(A) Monitoring the community school's compliance with all 30765
laws applicable to the school and with the terms of the 30766
contract; 30767

(B) Monitoring and evaluating the academic and fiscal 30768
performance and the organization and operation of the community 30769
school on at least an annual basis. The evaluation of a school's 30770
academic and fiscal performance shall be based on the 30771
performance requirements specified in the contract between the 30772
sponsor and the governing authority under section 3314.03 of the 30773
Revised Code, the state report cards issued for the school under 30774
section 3302.03 or 3314.017 of the Revised Code, and any other 30775
analysis conducted by the department of education and workforce. 30776

(C) Reporting on an annual basis the results of the 30777
evaluation conducted under division (D) (2) of section 3314.03 of 30778
the Revised Code to the department of education and workforce 30779
and to the parents of students enrolled in the community school; 30780

(D) Providing technical assistance to the community school 30781
in complying with laws applicable to the school and terms of the 30782
contract; 30783

(E) Taking steps to intervene in the school's operation to 30784

correct problems in the school's overall performance, declaring 30785
the school to be on probationary status pursuant to section 30786
3314.073 of the Revised Code, suspending the operation of the 30787
school pursuant to section 3314.072 of the Revised Code, or 30788
terminating the contract of the school pursuant to section 30789
3314.07 of the Revised Code as determined necessary by the 30790
sponsor; 30791

(F) Having in place a plan of action to be undertaken in 30792
the event the community school experiences financial 30793
difficulties or closes prior to the end of a school year. 30794

(G) Other activities designed to specifically benefit the 30795
community school the entity sponsors. 30796

Sec. 3314.025. (A) Beginning with the 2016-2017 school 30797
year, each sponsor of a community school shall submit, not later 30798
than the fifteenth day of August of each year, a report to the 30799
department of education and workforce, using the format and 30800
manner prescribed by the department as set forth in division (B) 30801
of this section, describing the amount and type of expenditures 30802
made to provide monitoring, oversight, and technical assistance 30803
to the community schools it sponsors. The report shall also be 30804
submitted to the governing authority of the community school. 30805

(B) Not later than ninety days after the effective date of 30806
this section, the department shall establish requirements and a 30807
reporting procedure to aid each sponsor in complying with 30808
division (A) of this section. The department shall require that 30809
each report include at least the following types of expenditures 30810
made to provide oversight, monitoring, and technical assistance 30811
to the community school it sponsors: 30812

(1) Employee salaries, wages, benefits, and other 30813

compensation;	30814
(2) All purchased or contracted services;	30815
(3) Materials and supplies;	30816
(4) Equipment, furniture, and fixtures;	30817
(5) Facilities;	30818
(6) Other expenditures.	30819
(C) The report submitted under this section shall be a	30820
factor when evaluating a sponsor's compliance with applicable	30821
law and administrative rules as prescribed under division (B) (1)	30822
(c) of section 3314.016 of the Revised Code. The report also may	30823
be used as a factor when evaluating a sponsor's adherence to	30824
quality practices as prescribed under division (B) (1) (b) of that	30825
section.	30826
Sec. 3314.027. Notwithstanding the requirement for initial	30827
approval of sponsorship by the department of education <u>and</u>	30828
<u>workforce</u> prescribed in divisions (A) (2) and (B) (1) of section	30829
3314.015 of the Revised Code and any geographical restriction or	30830
mission requirement prescribed in division (C) (1) of section	30831
3314.02 of the Revised Code, an entity that has entered into a	30832
contract to sponsor a community school on April 8, 2003, may	30833
continue to sponsor the school in conformance with the terms of	30834
that contract and also may enter into new contracts to sponsor	30835
community schools after April 8, 2003, as long as the contracts	30836
conform to and the entity complies with all other provisions of	30837
this chapter.	30838
Regardless of the entity's authority to sponsor community	30839
schools without the initial approval of the department, each	30840
entity described in this section is under the continuing	30841

oversight of the department in accordance with rules adopted 30842
under section 3314.015 of the Revised Code. 30843

If an entity to which this section applies receives a 30844
rating below "effective" under division (B) of section 3314.016 30845
of the Revised Code for two or more consecutive years, that 30846
entity shall receive approval from the department of education_ 30847
and workforce to sponsor community schools and enter into a 30848
written agreement with the department in accordance with 30849
division (B)(1) of section 3314.015 of the Revised Code prior to 30850
entering into any further preliminary agreements under division 30851
(C)(2) of section 3314.02 of the Revised Code or renewing any 30852
existing contract to sponsor a community school. 30853

Sec. 3314.029. This section establishes the Ohio school 30854
sponsorship program. The department of education and workforce 30855
shall establish an office of Ohio school sponsorship to perform 30856
the department's duties prescribed by this section. 30857

(A)(1) Notwithstanding anything to the contrary in this 30858
chapter, any person, group of individuals, or entity may apply 30859
to the department for direct authorization to establish a 30860
community school and, upon approval of the application, may 30861
establish the school. Notwithstanding anything to the contrary 30862
in this chapter, the governing authority of an existing 30863
community school, upon the expiration or termination of its 30864
contract with the school's sponsor entered into under section 30865
3314.03 of the Revised Code, may apply to the department for 30866
direct authorization to continue operating the school and, upon 30867
approval of the application, may continue to operate the school. 30868
The department may establish a format and deadlines for an 30869
application. 30870

Each application submitted to the department shall include 30871

the following: 30872

(a) Evidence that the applicant will be able to comply 30873
with division (C) of this section; 30874

(b) A statement indicating that the applicant agrees to 30875
comply with all applicable provisions of this chapter, including 30876
the requirement to be established as a nonprofit corporation or 30877
public benefit corporation in accordance with division (A) (1) of 30878
section 3314.03 of the Revised Code; 30879

(c) A statement attesting that no unresolved finding of 30880
recovery has been issued by the auditor of state against any 30881
person, group of individuals, or entity that is a party to the 30882
application and that no person who is party to the application 30883
has been a member of the governing authority of any community 30884
school that has permanently closed and against which an 30885
unresolved finding of recovery has been issued by the auditor of 30886
state. In the case of an application submitted by the governing 30887
authority of an existing community school, a person who is party 30888
to the application shall include each individual member of that 30889
governing authority. 30890

(d) A statement that the school will be nonsectarian in 30891
its programs, admission policies, employment practices, and all 30892
other operations, and will not be operated by a sectarian school 30893
or religious institution; 30894

(e) A statement of whether the school is to be created by 30895
converting all or part of an existing public school or 30896
educational service center building or is to be a new start-up 30897
school. If it is a converted public school or service center 30898
building, the statement shall include a specification of any 30899
duties or responsibilities of an employer that the board of 30900

education or service center governing board that operated the 30901
school or building before conversion is delegating to the 30902
governing authority of the community school with respect to all 30903
or any specified group of employees, provided the delegation is 30904
not prohibited by a collective bargaining agreement applicable 30905
to such employees. 30906

(f) A statement that the school's teachers will be 30907
licensed in the manner prescribed by division (A)(10) of section 30908
3314.03 of the Revised Code; 30909

(g) A statement that the school will comply with all of 30910
the provisions of law enumerated in divisions (A)(11)(d) and (e) 30911
of section 3314.03 of the Revised Code and of division (A)(11) 30912
(h) of that section, if applicable; 30913

(h) A statement that the school's graduation and 30914
curriculum requirements will comply with division (A)(11)(f) of 30915
section 3314.03 of the Revised Code; 30916

(i) A description of each of the following: 30917

(i) The school's mission and educational program, the 30918
characteristics of the students the school is expected to 30919
attract, the ages and grade levels of students, and the focus of 30920
the curriculum; 30921

(ii) The school's governing authority, which shall be in 30922
compliance with division (E) of section 3314.02 of the Revised 30923
Code; 30924

(iii) The school's admission and dismissal policies, which 30925
shall be in compliance with divisions (A)(5) and (6) of section 30926
3314.03 of the Revised Code; 30927

(iv) The school's business plan, including a five-year 30928

financial forecast; 30929

(v) In the case of an application to establish a community 30930
school, the applicant's resources and capacity to establish and 30931
operate the school; 30932

(vi) The school's academic goals to be achieved and the 30933
method of measurement that will be used to determine progress 30934
toward those goals, which shall include the statewide 30935
achievement assessments; 30936

(vii) The facilities to be used by the school and their 30937
locations; 30938

(viii) A description of the learning opportunities that 30939
will be offered to students including both classroom-based and 30940
nonclassroom-based learning opportunities that are in compliance 30941
with criteria for student participation established by the 30942
department under division (H) (2) of section 3314.08 of the 30943
Revised Code. 30944

(2) Subject to division (A) (3) of this section, the 30945
department may approve or deny an application, taking into 30946
consideration the standards for quality authorizing, capacity 30947
requirements, financial constraints, or any other criteria it 30948
determines necessary and appropriate. ~~The department shall adopt~~ 30949
~~the criteria not later than sixty days after the effective date~~ 30950
~~of this amendment.~~ The department shall assign each applicant 30951
school a rating established for a new start-up community school 30952
or an existing community school, as applicable. 30953

~~The department of education~~ shall annually publish on its 30954
web site the criteria it uses to approve or deny an application 30955
submitted pursuant to this section. 30956

(3) For each of five school years, beginning with the 30957

school year that begins in the calendar year in which this 30958
section takes effect, the department may approve up to twenty 30959
applications for community schools to be established or to 30960
continue operation under division (A) of this section; however, 30961
of the twenty applications that may be approved each school 30962
year, only up to five may be for the establishment of new 30963
schools. 30964

(4) Notwithstanding division (A) (2) of this section, the 30965
department may deny an application submitted by the governing 30966
authority of an existing community school, if a previous sponsor 30967
of that school did not renew its contract or terminated its 30968
contract with the school entered into under section 3314.03 of 30969
the Revised Code. 30970

(5) In the case of a proposed new community school to be 30971
located in an alliance municipal school district, the department 30972
shall not approve the application of that community school 30973
unless both of the following apply: 30974

(a) The department approves the application using the 30975
requirements of divisions (A) (1) (a) to (h) of this section and 30976
the criteria developed under division (A) (2) of this section. 30977

(b) The department has determined that the applicant has 30978
requested and received a recommendation from the alliance in the 30979
manner prescribed by divisions (E) (1) and (2) of section 3311.86 30980
of the Revised Code. 30981

As used in this section, "alliance municipal school 30982
district" and "alliance" have the same meanings as in section 30983
3311.86 of the Revised Code. 30984

(B) The department and the governing authority of each 30985
community school authorized under this section shall enter into 30986

a contract under section 3314.03 of the Revised Code. 30987
Notwithstanding division (A) (13) of that section, the contract 30988
with an existing community school may begin at any time during 30989
the academic year. The length of the initial contract of any 30990
community school under this section may be for any term up to 30991
five years. The contract may be renewed in accordance with 30992
division (E) of that section. The contract may provide for the 30993
school's governing authority to pay a fee for oversight and 30994
monitoring of the school that does not exceed three per cent of 30995
the total amount of payments for operating expenses that the 30996
school receives from the state. 30997

(C) The department may require a community school 30998
authorized under this section to post and file with the 30999
~~superintendent of public instruction~~ director of education and 31000
workforce a bond payable to the state or to file with the ~~state~~ 31001
~~superintendent~~ director a guarantee, which shall be used to pay 31002
the state any moneys owed by the community school in the event 31003
the school closes. 31004

(D) Except as otherwise provided in this section, a 31005
community school authorized under this section shall comply with 31006
all applicable provisions of this chapter. The department may 31007
take any action that a sponsor may take under this chapter to 31008
enforce the school's compliance with this division and the terms 31009
of the contract entered into under division (B) of this section. 31010

(E) Not later than December 31, 2012, and annually 31011
thereafter, the department shall issue a report on the program, 31012
including information about the number of community schools 31013
participating in the program and their compliance with the 31014
provisions of this chapter. In its fifth report, the department 31015
shall include a complete evaluation of the program and 31016

recommendations regarding the program's continuation. Each 31017
report shall be provided to the general assembly, in accordance 31018
with section 101.68 of the Revised Code, and to the governor. 31019

Sec. 3314.0211. (A) No community school to which either of 31020
the following applies shall be eligible to merge with one or 31021
more other community schools under this section: 31022

(1) The school has met the performance criteria for 31023
required closure specified in division (A) of section 3314.35 or 31024
division (A) of section 3314.351 of the Revised Code for at 31025
least one of the two most recent school years. 31026

(2) The school has been notified of the sponsor's intent 31027
to terminate or not renew the school's contract pursuant to 31028
section 3314.07 of the Revised Code. 31029

(B) Two or more community schools may merge upon the 31030
adoption of a resolution by the governing authority of each 31031
school involved in the merger. Any merger shall take effect on 31032
the first day of July of the year specified in the resolution. 31033

(C) Not less than sixty days prior to the effective date 31034
of a merger under division (B) of this section, each community 31035
school involved in the merger shall do both of the following: 31036

(1) Provide a copy of the resolution to the school's 31037
sponsor; 31038

(2) Notify the department of education and workforce of 31039
all of the following: 31040

(a) The impending merger; 31041

(b) The effective date of the merger; 31042

(c) The school that will be designated as the surviving 31043

school in accordance with section 1702.41 of the Revised Code; 31044

(d) The entity that will sponsor the surviving school. 31045

(D) Notwithstanding anything to the contrary in the 31046
Revised Code, the governing authority of the surviving community 31047
school shall enter into a new contract with the school's sponsor 31048
under section 3314.03 of the Revised Code. 31049

(E) No sponsor shall do either of the following: 31050

(1) Assign the sponsor's existing contract with a merging 31051
community school to the sponsor of the surviving community 31052
school; 31053

(2) Assume an existing contract from the sponsor of a 31054
community school involved in a merger under division (B) of this 31055
section. 31056

Division (E) of this section shall not apply to the office 31057
of Ohio school sponsorship established under section 3314.029 of 31058
the Revised Code. 31059

(F) (1) The department shall issue a report card under 31060
section 3302.03 or 3314.017 of the Revised Code for the 31061
surviving community school. 31062

(2) Notwithstanding anything to the contrary in division 31063
(B) of section 3314.012 of the Revised Code, all report card 31064
ratings associated with the surviving school, whether issued 31065
before or after the merger, shall be used for purposes of 31066
section 3314.35 or 3314.351 of the Revised Code and any other 31067
matter that is based on report card ratings or measures. 31068

(G) Nothing in this section shall exempt a community 31069
school from closure under section 3314.35 or 3314.351 of the 31070
Revised Code. 31071

Sec. 3314.03. A copy of every contract entered into under 31072
this section shall be filed with the ~~superintendent~~ director of- 31073
~~public instruction~~ education and workforce. The department of 31074
education and workforce shall make available on its web site a 31075
copy of every approved, executed contract filed with the 31076
~~superintendent~~ director under this section. 31077

(A) Each contract entered into between a sponsor and the 31078
governing authority of a community school shall specify the 31079
following: 31080

(1) That the school shall be established as either of the 31081
following: 31082

(a) A nonprofit corporation established under Chapter 31083
1702. of the Revised Code, if established prior to April 8, 31084
2003; 31085

(b) A public benefit corporation established under Chapter 31086
1702. of the Revised Code, if established after April 8, 2003. 31087

(2) The education program of the school, including the 31088
school's mission, the characteristics of the students the school 31089
is expected to attract, the ages and grades of students, and the 31090
focus of the curriculum; 31091

(3) The academic goals to be achieved and the method of 31092
measurement that will be used to determine progress toward those 31093
goals, which shall include the statewide achievement 31094
assessments; 31095

(4) Performance standards, including but not limited to 31096
all applicable report card measures set forth in section 3302.03 31097
or 3314.017 of the Revised Code, by which the success of the 31098
school will be evaluated by the sponsor; 31099

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	31100 31101 31102
(6) (a) Dismissal procedures;	31103
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	31104 31105 31106 31107 31108 31109
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	31110 31111
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	31112 31113 31114 31115 31116 31117
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	31118 31119
(a) A detailed description of each facility used for instructional purposes;	31120 31121
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	31122 31123
(c) The annual mortgage principal and interest payments that are paid by the school;	31124 31125
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the	31126 31127

operator, if any.	31128
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.	31129 31130 31131 31132 31133 31134
(11) That the school will comply with the following requirements:	31135 31136
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	31137 31138 31139
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	31140 31141 31142
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	31143 31144 31145 31146
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818,	31147 31148 31149 31150 31151 31152 31153 31154 31155 31156

3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 31157
3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 3319.393, 31158
3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 31159
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 31160
3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 31161
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 31162
and 4167. of the Revised Code as if it were a school district 31163
and will comply with section 3301.0714 of the Revised Code in 31164
the manner specified in section 3314.17 of the Revised Code. 31165

(e) The school shall comply with Chapter 102. and section 31166
2921.42 of the Revised Code. 31167

(f) The school will comply with sections 3313.61, 31168
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 31169
Revised Code, except that for students who enter ninth grade for 31170
the first time before July 1, 2010, the requirement in sections 31171
3313.61 and 3313.611 of the Revised Code that a person must 31172
successfully complete the curriculum in any high school prior to 31173
receiving a high school diploma may be met by completing the 31174
curriculum adopted by the governing authority of the community 31175
school rather than the curriculum specified in Title XXXIII of 31176
the Revised Code or any rules of the ~~state board of education~~ 31177
department. Beginning with students who enter ninth grade for 31178
the first time on or after July 1, 2010, the requirement in 31179
sections 3313.61 and 3313.611 of the Revised Code that a person 31180
must successfully complete the curriculum of a high school prior 31181
to receiving a high school diploma shall be met by completing 31182
the requirements prescribed in section 3313.6027 and division 31183
(C) of section 3313.603 of the Revised Code, unless the person 31184
qualifies under division (D) or (F) of that section. Each school 31185
shall comply with the plan for awarding high school credit based 31186
on demonstration of subject area competency, and beginning with 31187

the 2017-2018 school year, with the updated plan that permits 31188
students enrolled in seventh and eighth grade to meet curriculum 31189
requirements based on subject area competency adopted by the 31190
~~state board of education department~~ under divisions (J) (1) and 31191
(2) of section 3313.603 of the Revised Code. Beginning with the 31192
2018-2019 school year, the school shall comply with the 31193
framework for granting units of high school credit to students 31194
who demonstrate subject area competency through work-based 31195
learning experiences, internships, or cooperative education 31196
developed by the department under division (J) (3) of section 31197
3313.603 of the Revised Code. 31198

(g) The school governing authority will submit within four 31199
months after the end of each school year a report of its 31200
activities and progress in meeting the goals and standards of 31201
divisions (A) (3) and (4) of this section and its financial 31202
status to the sponsor and the parents of all students enrolled 31203
in the school. 31204

(h) The school, unless it is an internet- or computer- 31205
based community school, will comply with section 3313.801 of the 31206
Revised Code as if it were a school district. 31207

(i) If the school is the recipient of moneys from a grant 31208
awarded under the federal race to the top program, Division (A), 31209
Title XIV, Sections 14005 and 14006 of the "American Recovery 31210
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 31211
the school will pay teachers based upon performance in 31212
accordance with section 3317.141 and will comply with section 31213
3319.111 of the Revised Code as if it were a school district. 31214

(j) If the school operates a preschool program that is 31215
licensed by the department ~~of education~~ under sections 3301.52 31216
to 3301.59 of the Revised Code, the school shall comply with 31217

sections 3301.50 to 3301.59 of the Revised Code and the minimum 31218
standards for preschool programs prescribed in rules adopted by 31219
the ~~state board~~ department under section 3301.53 of the Revised 31220
Code. 31221

(k) The school will comply with sections 3313.6021 and 31222
3313.6023 of the Revised Code as if it were a school district 31223
unless it is either of the following: 31224

(i) An internet- or computer-based community school; 31225

(ii) A community school in which a majority of the 31226
enrolled students are children with disabilities as described in 31227
division (A) (4) (b) of section 3314.35 of the Revised Code. 31228

(l) The school will comply with section 3321.191 of the 31229
Revised Code, unless it is an internet- or computer-based 31230
community school that is subject to section 3314.261 of the 31231
Revised Code. 31232

(12) Arrangements for providing health and other benefits 31233
to employees; 31234

(13) The length of the contract, which shall begin at the 31235
beginning of an academic year. No contract shall exceed five 31236
years unless such contract has been renewed pursuant to division 31237
(E) of this section. 31238

(14) The governing authority of the school, which shall be 31239
responsible for carrying out the provisions of the contract; 31240

(15) A financial plan detailing an estimated school budget 31241
for each year of the period of the contract and specifying the 31242
total estimated per pupil expenditure amount for each such year. 31243

(16) Requirements and procedures regarding the disposition 31244
of employees of the school in the event the contract is 31245

terminated or not renewed pursuant to section 3314.07 of the Revised Code;

(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;

(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:

(a) Prohibit the enrollment of students who reside outside the district in which the school is located;

(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;

(c) Permit the enrollment of students who reside in any other district in the state.

- (20) A provision recognizing the authority of the department ~~of education~~ to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code; 31275
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- (21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code; 31279
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- (22) A provision recognizing both of the following: 31282
- (a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations; 31283
31284
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31286
- (b) The authority of the department ~~of education~~ as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action. 31287
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- (23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code; 31294
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- (24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. ~~However, the sponsor~~ 31300
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~~shall not be required to take any action described in division
(F) of section 3302.04 of the Revised Code.~~ 31304
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(25) Beginning in the 2006-2007 school year, the school 31306
will open for operation not later than the thirtieth day of 31307
September each school year, unless the mission of the school as 31308
specified under division (A) (2) of this section is solely to 31309
serve dropouts. In its initial year of operation, if the school 31310
fails to open by the thirtieth day of September, or within one 31311
year after the adoption of the contract pursuant to division (D) 31312
of section 3314.02 of the Revised Code if the mission of the 31313
school is solely to serve dropouts, the contract shall be void. 31314

(26) Whether the school's governing authority is planning 31315
to seek designation for the school as a STEM school equivalent 31316
under section 3326.032 of the Revised Code; 31317

(27) That the school's attendance and participation 31318
policies will be available for public inspection; 31319

(28) That the school's attendance and participation 31320
records shall be made available to the department of education, 31321
auditor of state, and school's sponsor to the extent permitted 31322
under and in accordance with the "Family Educational Rights and 31323
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 31324
and any regulations promulgated under that act, and section 31325
3319.321 of the Revised Code; 31326

(29) If a school operates using the blended learning 31327
model, as defined in section 3301.079 of the Revised Code, all 31328
of the following information: 31329

(a) An indication of what blended learning model or models 31330
will be used; 31331

(b) A description of how student instructional needs will 31332

be determined and documented;	31333
(c) The method to be used for determining competency,	31334
granting credit, and promoting students to a higher grade level;	31335
(d) The school's attendance requirements, including how	31336
the school will document participation in learning	31337
opportunities;	31338
(e) A statement describing how student progress will be	31339
monitored;	31340
(f) A statement describing how private student data will	31341
be protected;	31342
(g) A description of the professional development	31343
activities that will be offered to teachers.	31344
(30) A provision requiring that all moneys the school's	31345
operator loans to the school, including facilities loans or cash	31346
flow assistance, must be accounted for, documented, and bear	31347
interest at a fair market rate;	31348
(31) A provision requiring that, if the governing	31349
authority contracts with an attorney, accountant, or entity	31350
specializing in audits, the attorney, accountant, or entity	31351
shall be independent from the operator with which the school has	31352
contracted.	31353
(32) A provision requiring the governing authority to	31354
adopt an enrollment and attendance policy that requires a	31355
student's parent to notify the community school in which the	31356
student is enrolled when there is a change in the location of	31357
the parent's or student's primary residence.	31358
(33) A provision requiring the governing authority to	31359
adopt a student residence and address verification policy for	31360

students enrolling in or attending the school. 31361

(B) The community school shall also submit to the sponsor 31362
a comprehensive plan for the school. The plan shall specify the 31363
following: 31364

(1) The process by which the governing authority of the 31365
school will be selected in the future; 31366

(2) The management and administration of the school; 31367

(3) If the community school is a currently existing public 31368
school or educational service center building, alternative 31369
arrangements for current public school students who choose not 31370
to attend the converted school and for teachers who choose not 31371
to teach in the school or building after conversion; 31372

(4) The instructional program and educational philosophy 31373
of the school; 31374

(5) Internal financial controls. 31375

When submitting the plan under this division, the school 31376
shall also submit copies of all policies and procedures 31377
regarding internal financial controls adopted by the governing 31378
authority of the school. 31379

(C) A contract entered into under section 3314.02 of the 31380
Revised Code between a sponsor and the governing authority of a 31381
community school may provide for the community school governing 31382
authority to make payments to the sponsor, which is hereby 31383
authorized to receive such payments as set forth in the contract 31384
between the governing authority and the sponsor. The total 31385
amount of such payments for monitoring, oversight, and technical 31386
assistance of the school shall not exceed three per cent of the 31387
total amount of payments for operating expenses that the school 31388

receives from the state. 31389

(D) The contract shall specify the duties of the sponsor 31390
which shall be in accordance with the written agreement entered 31391
into with the department ~~of education~~ under division (B) of 31392
section 3314.015 of the Revised Code and shall include the 31393
following: 31394

(1) Monitor the community school's compliance with all 31395
laws applicable to the school and with the terms of the 31396
contract; 31397

(2) Monitor and evaluate the academic and fiscal 31398
performance and the organization and operation of the community 31399
school on at least an annual basis; 31400

(3) Report on an annual basis the results of the 31401
evaluation conducted under division (D)(2) of this section to 31402
the department ~~of education~~ and to the parents of students 31403
enrolled in the community school; 31404

(4) Provide technical assistance to the community school 31405
in complying with laws applicable to the school and terms of the 31406
contract; 31407

(5) Take steps to intervene in the school's operation to 31408
correct problems in the school's overall performance, declare 31409
the school to be on probationary status pursuant to section 31410
3314.073 of the Revised Code, suspend the operation of the 31411
school pursuant to section 3314.072 of the Revised Code, or 31412
terminate the contract of the school pursuant to section 3314.07 31413
of the Revised Code as determined necessary by the sponsor; 31414

(6) Have in place a plan of action to be undertaken in the 31415
event the community school experiences financial difficulties or 31416
closes prior to the end of a school year. 31417

(E) Upon the expiration of a contract entered into under 31418
this section, the sponsor of a community school may, with the 31419
approval of the governing authority of the school, renew that 31420
contract for a period of time determined by the sponsor, but not 31421
ending earlier than the end of any school year, if the sponsor 31422
finds that the school's compliance with applicable laws and 31423
terms of the contract and the school's progress in meeting the 31424
academic goals prescribed in the contract have been 31425
satisfactory. Any contract that is renewed under this division 31426
remains subject to the provisions of sections 3314.07, 3314.072, 31427
and 3314.073 of the Revised Code. 31428

(F) If a community school fails to open for operation 31429
within one year after the contract entered into under this 31430
section is adopted pursuant to division (D) of section 3314.02 31431
of the Revised Code or permanently closes prior to the 31432
expiration of the contract, the contract shall be void and the 31433
school shall not enter into a contract with any other sponsor. A 31434
school shall not be considered permanently closed because the 31435
operations of the school have been suspended pursuant to section 31436
3314.072 of the Revised Code. 31437

Sec. 3314.032. (A) On and after the effective date of this 31438
section, any new or renewed contract between the governing 31439
authority of a community school and an operator shall include at 31440
least the following: 31441

(1) Criteria to be used for early termination of the 31442
operator contract; 31443

(2) Required notification procedures and timeline for 31444
early termination or nonrenewal of the operator contract; 31445

(3) A stipulation of which entity owns all community 31446

school facilities and property including, but not limited to, 31447
equipment, furniture, fixtures, instructional materials and 31448
supplies, computers, printers, and other digital devices 31449
purchased by the governing authority or operator. Any 31450
stipulation regarding property ownership shall comply with the 31451
requirements of section 3314.0210 of the Revised Code. 31452

(B) (1) The operator with which the governing authority of 31453
a community school contracts for services shall not lease any 31454
parcel of real property to that community school until an 31455
independent professional in the real estate field verifies via 31456
addendum that at the time the lease was agreed to, the lease was 31457
commercially reasonable. 31458

(2) The independent professional described in division (B) 31459
(1) of this section shall be immune from civil liability for any 31460
decision rendered pursuant to this section. 31461

(C) Beginning with the 2016-2017 school year, the 31462
governing authority of a community school, with the assistance 31463
of the school's designated fiscal officer, shall adopt an annual 31464
budget by the thirty-first day of October of each year. 31465

~~Not later than ninety days after the effective date of~~ 31466
~~this section, the~~ The department of education and workforce 31467
shall develop a format for annual budgets of community schools. 31468
The format shall prescribe inclusion of the following 31469
information in a school's budget: 31470

(1) Administrative costs for the community school as a 31471
whole; 31472

(2) Instructional services costs for each category of 31473
service provided directly to students, compiled and reported in 31474
terms of average expenditure per pupil receiving the service; 31475

(3) The cost of instructional support services, such as 31476
services provided by a speech-language pathologist, classroom 31477
aide, multimedia aide, or librarian, provided directly to 31478
students; 31479

(4) The cost of administrative support services, such as 31480
the cost of personnel that develop the curriculum and the cost 31481
of personnel supervising or coordinating the delivery of the 31482
instructional services; 31483

(5) The cost of support or extracurricular services costs 31484
for services directly provided to students; 31485

(6) The cost of services provided directly to students by 31486
a nonlicensed employee related to support or extracurricular 31487
services, such as janitorial services, cafeteria services, or 31488
services of a sports trainer; 31489

(7) The cost of administrative services related to support 31490
or extracurricular services, such as the cost of any licensed or 31491
unlicensed employees that develop, supervise, coordinate, or 31492
otherwise are involved in administrating or aiding the delivery 31493
of services. 31494

(D) The governing authority of a community school shall be 31495
the sole entity responsible for the adoption of the school's 31496
annual budget, but the governing authority shall adopt such 31497
budget with the assistance of the school's designated fiscal 31498
officer. 31499

Sec. 3314.034. (A) Subject to division (B) of this 31500
section, any community school to which either of the following 31501
conditions apply shall be prohibited from entering into a 31502
contract with a new sponsor: 31503

(1) The community school has received, on the most recent 31504

report card issued for that school under section 3302.03 of the Revised Code, either of the following:

(a) A grade of "D" or "F" for the performance index score, under division (C)(1)(b) of section 3302.03 of the Revised Code, and an overall grade of "D" or "F" for the value-added progress dimension or another measure of student academic progress if adopted by the ~~state board~~ department of education and workforce, under division (C)(1)(e) of that section;

(b) A performance rating of less than three stars for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and a performance rating of less than three stars for progress under division (D)(3)(c) of that section.

(2) The community school is one in which a majority of the students are enrolled in a dropout prevention and recovery program, and it has received a rating of "does not meet standards" for the annual student growth measure and combined graduation rates on the most recent report card issued for the school under section 3314.017 of the Revised Code.

(B) A community school to which division (A) of this section applies may enter into a contract with a new sponsor if all of the following conditions are satisfied:

(1) The proposed sponsor received a rating of "effective" or higher pursuant to division (B)(6) of section 3314.016 of the Revised Code on its most recent evaluation conducted according to that section, or the proposed sponsor is the office of Ohio school sponsorship established in section 3314.029 of the Revised Code.

(2) The community school submits a request to enter into a new contract with a sponsor.

- (3) The community school has not submitted a prior request that was granted. 31534
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- (4) The department grants the school's request pursuant to division (C) of this section. 31536
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- (C) A school shall submit a request to change sponsors under this section not later than on the fifteenth day of February of the year in which the school wishes to do so. The department shall grant or deny the request not later than thirty days after the department receives it. If the department denies the request, the community school may submit an appeal to the ~~state board of education, which~~ director of education and workforce who shall hold a hearing in accordance with Chapter 119. of the Revised Code. The community school shall file its notice of appeal to the ~~state board~~ director not later than ten days after receiving the decision from the department. The ~~state board~~ director shall conduct the hearing not later than thirty days after receiving the school's notice of appeal and act upon the determination of the hearing officer not later than the twenty-fifth day of June of the year in which the school wishes to change sponsors. 31538
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- (D) Factors to be considered during a hearing held pursuant to division (C) of this section include, but are not limited to, the following: 31554
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- (1) The school's impact on the students and the community or communities it serves; 31557
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- (2) The quality and quantity of academic and administrative support the school receives from its current sponsor to help the school to improve; 31559
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31561
- (3) The sponsor's annual evaluations of the community 31562

school under division (D) (2) of section 3314.03 of the Revised Code for the previous three years;

(4) The academic performance of the school, taking into account the demographic information of the students enrolled in the school;

(5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school;

(6) The fiscal stability of the school;

(7) The results of any audits of the school by the auditor of state;

(8) The length of time the school has been under the oversight of its current sponsor;

(9) The number of times the school has changed sponsors prior to the current request;

(10) Parent and student satisfaction rates as demonstrated by surveys, if available.

Sec. 3314.035. Each community school shall post on the school's web site the name of each member of the school's governing authority. Each community school also shall provide, upon request, the name and address of each member of the governing authority to the sponsor of the school and the department of education and workforce.

Sec. 3314.038. Each community school shall annually submit to the department of education and workforce and auditor of state a report of each instance under which a student who is enrolled in that community school resides in a children's residential center as defined under section 5103.05 of the

Revised Code.	31591
Sec. 3314.039. The department of education <u>and workforce</u>	31592
shall compile and publish the following information, for each	31593
year since the 2010-2011 school year, in a simple, easily	31594
accessible location on its web site:	31595
(A) A single document identifying each community school	31596
that has closed during each year and the reason for the closure	31597
of each school;	31598
(B) A single document for each entity that submitted an	31599
application to sponsor schools that contains the following,	31600
where applicable:	31601
(1) The entity's application and most recent evaluation;	31602
(2) A designation of whether the entity's application was	31603
approved or denied;	31604
(3) All documentation used in determining whether to	31605
approve or deny the entity's application;	31606
(4) A short statement describing the rationale used in	31607
approving or denying the entity's application.	31608
(C) A single document containing the following	31609
information:	31610
(1) A list of all sponsor ratings for each school year for	31611
which ratings are available;	31612
(2) A list of each sponsor that is prohibited, as of the	31613
thirty-first day of December of each school year, from	31614
sponsoring new schools;	31615
(3) A list of each sponsor that sponsors or has sponsored	31616
a school that is or was subject to closure, and the reason for	31617

that closure. 31618

(D) The department shall update the document required 31619
pursuant to division (A) of this section on an annual basis. 31620

Sec. 3314.041. The governing authority of each community 31621
school and any operator of such school shall distribute to 31622
parents of students of the school upon their enrollment in the 31623
school the following statement in writing: 31624

"The _____ (here fill in name of the school) 31625
school is a community school established under Chapter 3314. of 31626
the Revised Code. The school is a public school and students 31627
enrolled in and attending the school are required to take 31628
proficiency tests and other examinations prescribed by law. In 31629
addition, there may be other requirements for students at the 31630
school that are prescribed by law. Students who have been 31631
excused from the compulsory attendance law for the purpose of 31632
home education as defined by the Administrative Code shall no 31633
longer be excused for that purpose upon their enrollment in a 31634
community school. For more information about this matter contact 31635
the school administration or the Ohio Department of Education_ 31636
and Workforce." 31637

Sec. 3314.05. (A) The contract between the community 31638
school and the sponsor shall specify the facilities to be used 31639
for the community school and the method of acquisition. Except 31640
as provided in divisions (B) (3) and (4) of this section, no 31641
community school shall be established in more than one school 31642
district under the same contract. 31643

(B) Division (B) of this section shall not apply to 31644
internet- or computer-based community schools. 31645

(1) A community school may be located in multiple 31646

facilities under the same contract only if the limitations on 31647
availability of space prohibit serving all the grade levels 31648
specified in the contract in a single facility or division (B) 31649
(2), (3), or (4) of this section applies to the school. The 31650
school shall not offer the same grade level classrooms in more 31651
than one facility. 31652

(2) A community school may be located in multiple 31653
facilities under the same contract and, notwithstanding division 31654
(B) (1) of this section, may assign students in the same grade 31655
level to multiple facilities, as long as all of the following 31656
apply: 31657

(a) The governing authority has entered into and maintains 31658
a contract with an operator of the type described in division 31659
(A) (8) (b) of section 3314.02 of the Revised Code. 31660

(b) The contract with that operator qualified the school 31661
to be established pursuant to division (A) of former section 31662
3314.016 of the Revised Code. 31663

(c) The school's rating under section 3302.03 of the 31664
Revised Code does not fall below a combination of any of the 31665
following for two or more consecutive years: 31666

(i) A rating of "in need of continuous improvement" under 31667
section 3302.03 of the Revised Code, as that section existed 31668
prior to March 22, 2013; 31669

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015- 31670
2016 school years, a rating of "C" for both the performance 31671
index score under division (A) (1) (b) or (B) (1) (b) and the value- 31672
added dimension under division (A) (1) (e) or (B) (1) (e) of section 31673
3302.03 of the Revised Code; or if the building serves only 31674
grades ten through twelve, the building received a grade of "C" 31675

for the performance index score under division (A) (1) (b) or (B) 31676
(1) (b) of section 3302.03 of the Revised Code; 31677

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 31678
2020-2021 school years, an overall grade of "C" under division 31679
(C) (3) of section 3302.03 of the Revised Code or an overall 31680
performance designation of "meets standards" under division (E) 31681
(3) (e) of section 3314.017 of the Revised Code; 31682

(iv) For the 2021-2022 school year and any school year 31683
thereafter, an overall performance rating of three stars under 31684
division (D) (3) of section 3302.03 of the Revised Code or an 31685
overall performance designation of "meets standards" under 31686
division (E) (3) (e) of section 3314.017 of the Revised Code. 31687

(3) On and after ~~the effective date of this~~ 31688
~~amendment~~ September 30, 2021, a new start-up community school may 31689
be established in two school districts under the same contract 31690
regardless of the proposed location of either district if both 31691
of the following apply: 31692

(a) The school operates not more than one facility in each 31693
school district and, in accordance with division (B) (1) of this 31694
section, the school does not offer the same grade level 31695
classrooms in both facilities; and 31696

(b) Transportation between the two facilities does not 31697
require more than thirty minutes of direct travel time as 31698
measured by school bus. 31699

(4) A community school may be located in multiple 31700
facilities under the same contract and, notwithstanding division 31701
(B) (1) of this section, may assign students in the same grade 31702
level to multiple facilities, as long as both of the following 31703
apply: 31704

(a) The facilities are all located in the same county.	31705
(b) Either of the following conditions are satisfied:	31706
(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located;	31707 31708 31709 31710
(ii) The community school is managed by an operator.	31711
In the case of a community school to which division (B) (4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A) (19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation.	31712 31713 31714 31715 31716 31717 31718 31719 31720
(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings.	31721 31722 31723
(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school.	31724 31725 31726 31727 31728 31729 31730 31731
(D) Two or more separate community schools may be located in the same facility.	31732 31733

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

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

primary location. 31765

(2) (a) On and after ~~the effective date of this~~ 31766
~~amendment~~ September 30, 2021, when a new start-up community 31767
school is established in two school districts under the same 31768
contract, the school's governing authority shall designate one 31769
of those districts to be considered the school's primary 31770
location and the district in which the school is located for the 31771
purposes of division (A) (19) of section 3314.03 and divisions 31772
(C) and (H) of section 3314.06 of the Revised Code and for all 31773
other purposes of this chapter and shall notify the department 31774
of education and workforce of that designation. 31775

(b) A community school governing authority that elects to 31776
modify a community school's primary location, whether in 31777
accordance with division (F) (1) of this section or otherwise, 31778
shall notify the department of that modification. 31779

Sec. 3314.06. The governing authority of each community 31780
school established under this chapter shall adopt admission 31781
procedures that specify the following: 31782

(A) That, except as otherwise provided in this section, 31783
admission to the school shall be open to any individual age five 31784
to twenty-two entitled to attend school pursuant to section 31785
3313.64 or 3313.65 of the Revised Code in a school district in 31786
the state. 31787

Additionally, except as otherwise provided in this 31788
section, admission to the school may be open on a tuition basis 31789
to any individual age five to twenty-two who is not a resident 31790
of this state. The school shall not receive state funds under 31791
section 3317.022 of the Revised Code for any student who is not 31792
a resident of this state. 31793

An individual younger than five years of age may be admitted to the school in accordance with division (A) (2) of section 3321.01 of the Revised Code. The school shall receive funds for an individual admitted under that division in the manner provided under section 3317.022 of the Revised Code.

If the school operates a program that uses the Montessori method endorsed by the American Montessori society, the Montessori accreditation council for teacher education, or the association Montessori internationale as its primary method of instruction, admission to the school may be open to individuals younger than five years of age but the school shall not receive funds under section 3317.022 of the Revised Code for those individuals. Notwithstanding anything to the contrary in this chapter, individuals younger than five years of age who are enrolled in a Montessori program shall be offered at least four hundred fifty-five hours of learning opportunities per school year.

If the school operates a preschool program that is licensed by the department of education and workforce under sections 3301.52 to 3301.59 of the Revised Code, admission to the school may be open to individuals who are younger than five years of age, but the school shall not receive funds under this chapter for those individuals.

(B) (1) That admission to the school may be limited to students who have attained a specific grade level or are within a specific age group; to students that meet a definition of "at-risk," as defined in the contract; to residents of a specific geographic area within the district, as defined in the contract; or to separate groups of autistic students and nondisabled students, as authorized in section 3314.061 of the Revised Code

and as defined in the contract. 31824

(2) For purposes of division (B)(1) of this section, "at-risk" students may include those students identified as gifted students under section 3324.03 of the Revised Code. 31825
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(C) Whether enrollment is limited to students who reside in the district in which the school is located or is open to residents of other districts, as provided in the policy adopted pursuant to the contract. 31828
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(D)(1) That there will be no discrimination in the admission of students to the school on the basis of race, creed, color, disability, or sex except that: 31832
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(a) The governing authority may do either of the following for the purpose described in division (G) of this section: 31835
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(i) Establish a single-gender school for either sex; 31837

(ii) Establish single-gender schools for each sex under the same contract, provided substantially equal facilities and learning opportunities are offered for both boys and girls. Such facilities and opportunities may be offered for each sex at separate locations. 31838
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(b) The governing authority may establish a school that simultaneously serves a group of students identified as autistic and a group of students who are not disabled, as authorized in section 3314.061 of the Revised Code. However, unless the total capacity established for the school has been filled, no student with any disability shall be denied admission on the basis of that disability. 31843
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(2) That upon admission of any student with a disability, the community school will comply with all federal and state laws 31850
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regarding the education of students with disabilities. 31852

(E) That the school may not limit admission to students on 31853
the basis of intellectual ability, measures of achievement or 31854
aptitude, or athletic ability, except that a school may limit 31855
its enrollment to students as described in division (B) of this 31856
section. 31857

(F) That the community school will admit the number of 31858
students that does not exceed the capacity of the school's 31859
programs, classes, grade levels, or facilities. 31860

(G) That the purpose of single-gender schools that are 31861
established shall be to take advantage of the academic benefits 31862
some students realize from single-gender instruction and 31863
facilities and to offer students and parents residing in the 31864
district the option of a single-gender education. 31865

(H) That, except as otherwise provided under division (B) 31866
of this section or section 3314.061 of the Revised Code, if the 31867
number of applicants exceeds the capacity restrictions of 31868
division (F) of this section, students shall be admitted by lot 31869
from all those submitting applications, except preference shall 31870
be given to students attending the school the previous year and 31871
to students who reside in the district in which the school is 31872
located. Preference may be given to siblings of students 31873
attending the school the previous year. Preference also may be 31874
given to students who are the children of full-time staff 31875
members employed by the school, provided the total number of 31876
students receiving this preference is less than five per cent of 31877
the school's total enrollment. 31878

Notwithstanding divisions (A) to (H) of this section, in 31879
the event the racial composition of the enrollment of the 31880

community school is violative of a federal desegregation order, 31881
the community school shall take any and all corrective measures 31882
to comply with the desegregation order. 31883

Sec. 3314.072. The provisions of this section are enacted 31884
to promote the public health, safety, and welfare by 31885
establishing procedures under which the governing authorities of 31886
community schools established under this chapter will be held 31887
accountable for their compliance with the terms of the contracts 31888
they enter into with their school's sponsors and the law 31889
relating to the school's operation. Suspension of the operation 31890
of a school imposed under this section is intended to encourage 31891
the governing authority's compliance with the terms of the 31892
school's contract and the law and is not intended to be an 31893
alteration of the terms of that contract. 31894

(A) If a sponsor of a community school established under 31895
this chapter suspends the operation of that school pursuant to 31896
procedures set forth in this section, the governing authority 31897
shall not operate that school while the suspension is in effect. 31898
Any such suspension shall remain in effect until the sponsor 31899
notifies the governing authority that it is no longer in effect. 31900
The contract of a school of which operation is suspended under 31901
this section also may be subject to termination or nonrenewal 31902
under section 3314.07 of the Revised Code. 31903

(B) If at any time conditions at the school do not comply 31904
with a health and safety standard established by law for school 31905
buildings, the sponsor shall immediately suspend the operation 31906
of the school pursuant to procedures set forth in division (D) 31907
of this section. If the sponsor fails to take action to suspend 31908
the operation of a school to which this division applies, the 31909
department of education and workforce may take such action. 31910

(C) (1) For any of the reasons prescribed in ~~division_~~ 31911
divisions (B) (1) (a) to (d) of section 3314.07 of the Revised 31912
Code, the sponsor of a community school established under this 31913
chapter may suspend the operation of the school only if it first 31914
issues to the governing authority notice of the sponsor's intent 31915
to suspend the operation of the contract. Such notice shall 31916
explain the reasons for the sponsor's intent to suspend 31917
operation of the contract and shall provide the school's 31918
governing authority with five business days to submit to the 31919
sponsor a proposal to remedy the conditions cited as reasons for 31920
the suspension. 31921

(2) The sponsor shall promptly review any proposed remedy 31922
timely submitted by the governing authority and either approve 31923
or disapprove the remedy. If the sponsor disapproves the remedy 31924
proposed by the governing authority, if the governing authority 31925
fails to submit a proposed remedy in the manner prescribed by 31926
the sponsor, or if the governing authority fails to implement 31927
the remedy as approved by the sponsor, the sponsor may suspend 31928
operation of the school pursuant to procedures set forth in 31929
division (D) of this section. 31930

(D) (1) If division (B) of this section applies or if the 31931
sponsor of a community school established under this chapter 31932
decides to suspend the operation of a school as permitted in 31933
division (C) (2) of this section, the sponsor shall promptly send 31934
written notice to the governing authority stating that the 31935
operation of the school is immediately suspended, and explaining 31936
the specific reasons for the suspension. The notice shall state 31937
that the governing authority has five business days to submit a 31938
proposed remedy to the conditions cited as reasons for the 31939
suspension or face potential contract termination. 31940

(2) Upon receipt of the notice of suspension prescribed 31941
under division (D) (1) of this section, the governing authority 31942
shall immediately notify the employees of the school and the 31943
parents of the students enrolled in the school of the suspension 31944
and the reasons therefore, and shall cease all school operations 31945
on the next business day. 31946

(E) (1) Beginning with the 2013-2014 school year, if the 31947
sponsor of a community school suspends the operation of that 31948
school pursuant to procedures set forth in this section, the 31949
school's contract with the sponsor under section 3314.03 of the 31950
Revised Code shall become void, if the governing authority of 31951
the school fails to provide a proposal to remedy the conditions 31952
cited by the sponsor as reasons for the suspension, to the 31953
satisfaction of the sponsor, by the thirtieth day of September 31954
of the school year immediately following the school year in 31955
which the operation of school was suspended. 31956

(2) If, prior to ~~the effective date of this amendment~~ 31957
September 29, 2013, the sponsor of a community school has 31958
suspended the operation of the school, the contract with the 31959
sponsor under section 3314.03 of the Revised Code shall become 31960
void if the governing authority of the school fails to provide 31961
by September 30, 2014, a proposal to remedy the conditions cited 31962
by the sponsor as reasons for the suspension, to the 31963
satisfaction of the sponsor. 31964

Sec. 3314.074. Divisions (A) and (B) of this section apply 31965
only to the extent permitted under Chapter 1702. of the Revised 31966
Code. 31967

(A) If any community school established under this chapter 31968
permanently closes and ceases its operation as a community 31969
school, the assets of that school shall be distributed first to 31970

the retirement funds of employees of the school, employees of 31971
the school, and private creditors who are owed compensation, and 31972
then any remaining funds shall be paid to the department of 31973
education and workforce for redistribution to the school 31974
districts in which the students who were enrolled in the school 31975
at the time it ceased operation were entitled to attend school 31976
under section 3313.64 or 3313.65 of the Revised Code. The amount 31977
distributed to each school district shall be proportional to the 31978
district's share of the total enrollment in the community 31979
school. For any community school that closes after fiscal year 31980
2021, any remaining funds shall be paid to the department ~~of~~ 31981
~~education~~ and deposited into the state general revenue fund. 31982

(B) If a community school closes and ceases to operate as 31983
a community school and the school has received computer hardware 31984
or software from the former Ohio SchoolNet commission or the 31985
former eTech Ohio commission, such hardware or software shall be 31986
turned over to the department ~~of education~~, which shall 31987
redistribute the hardware and software, to the extent such 31988
redistribution is possible, to school districts in conformance 31989
with the provisions of the programs as they were operated and 31990
administered by the former eTech Ohio commission. 31991

(C) If the assets of the school are insufficient to pay 31992
all persons or entities to whom compensation is owed, the 31993
prioritization of the distribution of the assets to individual 31994
persons or entities within each class of payees may be 31995
determined by decree of a court in accordance with this section 31996
and Chapter 1702. of the Revised Code. 31997

(D) A community school that engages in a merger or 31998
consolidation pursuant to division (B) of section 1702.41 of the 31999
Revised Code and becomes a single public benefit corporation 32000

shall not be required to distribute assets pursuant to divisions 32001
(A), (B), and (C) of this section, provided that the governing 32002
authority of the community school created by the merger or 32003
consolidation enters into a contract for sponsorship under 32004
section 3314.03 of the Revised Code with an entity rated 32005
"effective" or higher by the department ~~of education~~ pursuant to 32006
section 3314.016 of the Revised Code. 32007

Sec. 3314.08. (A) As used in this section: 32008

(1) "IEP" has the same meaning as in section 3323.01 of 32009
the Revised Code. 32010

(2) "Resident district" means the school district in which 32011
a student is entitled to attend school under section 3313.64 or 32012
3313.65 of the Revised Code. 32013

(B) The ~~state board~~ department of education and workforce 32014
shall adopt rules requiring the governing authority of each 32015
community school established under this chapter to annually 32016
report all of the following: 32017

(1) The number of students enrolled in grades one through 32018
twelve and the full-time equivalent number of students enrolled 32019
in kindergarten in the school who are not receiving special 32020
education and related services pursuant to an IEP; 32021

(2) The number of enrolled students in grades one through 32022
twelve and the full-time equivalent number of enrolled students 32023
in kindergarten, who are receiving special education and related 32024
services pursuant to an IEP; 32025

(3) The number of students reported under division (B) (2) 32026
of this section receiving special education and related services 32027
pursuant to an IEP for a disability described in each of 32028
divisions (A) to (F) of section 3317.013 of the Revised Code; 32029

(4) The full-time equivalent number of students reported under divisions (B) (1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A) (1) to (5) of section 3317.014 of the Revised Code that are provided by the community school;	32030 32031 32032 32033 32034
(5) The number of students reported under divisions (B) (1) and (2) of this section who are not reported under division (B) (4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A) (1) to (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical planning district to which the school is assigned;	32035 32036 32037 32038 32039 32040 32041
(6) The number of students reported under divisions (B) (1) and (2) of this section who are category one to three English learners described in each of divisions (A) to (C) of section 3317.016 of the Revised Code;	32042 32043 32044 32045
(7) The number of students reported under divisions (B) (1) and (2) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (B) (7) of this section based on anything other than family income.	32046 32047 32048 32049 32050
(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.	32051 32052 32053
(9) The number of students enrolled in a preschool program operated by the school that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.	32054 32055 32056 32057 32058

A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A) (2) of section 3321.01 of the Revised Code.

A governing authority of a community school shall not include in its report under divisions (B) (1) to (9) of this section any student for whom tuition is charged under division (F) of this section.

(C) (1) (a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the ~~superintendent of public instruction~~ director of education and workforce documentation, as prescribed by the ~~superintendent~~ director, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

(b) The community school shall report under division (C) (1) (a) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

(2) In any fiscal year, a community school receiving funds under division (A) (7) of section 3317.022 of the Revised Code

shall spend those funds only for the purposes that the 32089
department designates as approved for career-technical education 32090
expenses. Career-technical education expenses approved by the 32091
department shall include only expenses connected to the delivery 32092
of career-technical programming to career-technical students. 32093
The department shall require the school to report data annually 32094
so that the department may monitor the school's compliance with 32095
the requirements regarding the manner in which funding received 32096
under division (A) (7) of section 3317.022 of the Revised Code 32097
may be spent. 32098

(3) Notwithstanding anything to the contrary in section 32099
3313.90 of the Revised Code, except as provided in division (C) 32100
(5) of this section, all funds received under division (A) (7) of 32101
section 3317.022 of the Revised Code shall be spent in the 32102
following manner: 32103

(a) At least seventy-five per cent of the funds shall be 32104
spent on curriculum development, purchase, and implementation; 32105
instructional resources and supplies; industry-based program 32106
certification; student assessment, credentialing, and placement; 32107
curriculum specific equipment purchases and leases; career- 32108
technical student organization fees and expenses; home and 32109
agency linkages; work-based learning experiences; professional 32110
development; and other costs directly associated with career- 32111
technical education programs including development of new 32112
programs. 32113

(b) Not more than twenty-five per cent of the funds shall 32114
be used for personnel expenditures. 32115

(4) A community school shall spend the funds it receives 32116
under division (A) (4) of section 3317.022 of the Revised Code in 32117
accordance with section 3317.25 of the Revised Code. 32118

(5) The department may waive the requirement in division 32119
(C) (3) of this section for any community school that exclusively 32120
provides one or more career-technical workforce development 32121
programs in arts and communications that are not equipment- 32122
intensive, as determined by the department. 32123

(6) For fiscal years 2022 and 2023, a community school 32124
shall spend the funds it receives under division (A) (5) of 32125
section 3317.022 of the Revised Code only for services for 32126
English learners. 32127

(D) A board of education sponsoring a community school may 32128
utilize local funds to make enhancement grants to the school or 32129
may agree, either as part of the contract or separately, to 32130
provide any specific services to the community school at no cost 32131
to the school. 32132

(E) A community school may not levy taxes or issue bonds 32133
secured by tax revenues. 32134

(F) No community school shall charge tuition for the 32135
enrollment of any student who is a resident of this state. A 32136
community school may charge tuition for the enrollment of any 32137
student who is not a resident of this state. 32138

(G) (1) (a) A community school may borrow money to pay any 32139
necessary and actual expenses of the school in anticipation of 32140
the receipt of any portion of the payments to be received by the 32141
school pursuant to section 3317.022 of the Revised Code. The 32142
school may issue notes to evidence such borrowing. The proceeds 32143
of the notes shall be used only for the purposes for which the 32144
anticipated receipts may be lawfully expended by the school. 32145

(b) A school may also borrow money for a term not to 32146
exceed fifteen years for the purpose of acquiring facilities. 32147

(2) Except for any amount guaranteed under section 3318.50 of the Revised Code, the state is not liable for debt incurred by the governing authority of a community school.

(H) The department ~~of education~~ shall adjust the amounts paid under section 3317.022 of the Revised Code to reflect any enrollment of students in community schools for less than the equivalent of a full school year. ~~The state board of education within ninety days after April 8, 2003, department~~ shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under section 3317.022 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools as provided under section 3317.022 of the Revised Code. For purposes of this division:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in the contract with the sponsor, or thirty days prior to the date on which the student is entered into the education management information system established under section 3301.0714 of the Revised Code. For purposes of applying this division and divisions (H) (3) and (4) of this section to a community school student, "learning opportunities" shall be defined in the contract, which shall describe both classroom-based and non-

classroom-based learning opportunities and shall be in 32178
compliance with criteria and documentation requirements for 32179
student participation which shall be established by the 32180
department. Any student's instruction time in non-classroom- 32181
based learning opportunities shall be certified by an employee 32182
of the community school. A student's enrollment shall be 32183
considered to cease on the date on which any of the following 32184
occur: 32185

(a) The community school receives documentation from a 32186
parent terminating enrollment of the student. 32187

(b) The community school is provided documentation of a 32188
student's enrollment in another public or private school. 32189

(c) The community school ceases to offer learning 32190
opportunities to the student pursuant to the terms of the 32191
contract with the sponsor or the operation of any provision of 32192
this chapter. 32193

Except as otherwise specified in this paragraph, beginning 32194
in the 2011-2012 school year, any student who completed the 32195
prior school year in an internet- or computer-based community 32196
school shall be considered to be enrolled in the same school in 32197
the subsequent school year until the student's enrollment has 32198
ceased as specified in division (H)(2) of this section. The 32199
department shall continue paying amounts for the student under 32200
section 3317.022 of the Revised Code without interruption at the 32201
start of the subsequent school year. However, if the student 32202
without a legitimate excuse fails to participate in the first 32203
seventy-two consecutive hours of learning opportunities offered 32204
to the student in that subsequent school year, the student shall 32205
be considered not to have re-enrolled in the school for that 32206
school year and the department shall recalculate the payments to 32207

the school for that school year to account for the fact that the 32208
student is not enrolled. 32209

(3) The department shall determine each community school 32210
student's percentage of full-time equivalency based on the 32211
percentage of learning opportunities offered by the community 32212
school to that student, reported either as number of hours or 32213
number of days, is of the total learning opportunities offered 32214
by the community school to a student who attends for the 32215
school's entire school year. However, no internet- or computer- 32216
based community school shall be credited for any time a student 32217
spends participating in learning opportunities beyond ten hours 32218
within any period of twenty-four consecutive hours. Whether it 32219
reports hours or days of learning opportunities, each community 32220
school shall offer not less than nine hundred twenty hours of 32221
learning opportunities during the school year. 32222

(4) With respect to the calculation of full-time 32223
equivalency under division (H) (3) of this section, the 32224
department shall waive the number of hours or days of learning 32225
opportunities not offered to a student because the community 32226
school was closed during the school year due to disease 32227
epidemic, hazardous weather conditions, law enforcement 32228
emergencies, inoperability of school buses or other equipment 32229
necessary to the school's operation, damage to a school 32230
building, or other temporary circumstances due to utility 32231
failure rendering the school building unfit for school use, so 32232
long as the school was actually open for instruction with 32233
students in attendance during that school year for not less than 32234
the minimum number of hours required by this chapter. The 32235
department shall treat the school as if it were open for 32236
instruction with students in attendance during the hours or days 32237
waived under this division. 32238

(I) The department of education and workforce shall reduce 32239
the amounts paid under section 3317.022 of the Revised Code to 32240
reflect payments made to colleges under section 3365.07 of the 32241
Revised Code. 32242

(J) (1) No student shall be considered enrolled in any 32243
internet- or computer-based community school or, if applicable 32244
to the student, in any community school that is required to 32245
provide the student with a computer pursuant to division (C) of 32246
section 3314.22 of the Revised Code, unless both of the 32247
following conditions are satisfied: 32248

(a) The student possesses or has been provided with all 32249
required hardware and software materials and all such materials 32250
are operational so that the student is capable of fully 32251
participating in the learning opportunities specified in the 32252
contract between the school and the school's sponsor as required 32253
by division (A) (23) of section 3314.03 of the Revised Code; 32254

(b) The school is in compliance with division (A) of 32255
section 3314.22 of the Revised Code, relative to such student. 32256

(2) In accordance with policies adopted by the 32257
~~superintendent of public instruction~~ department of education and 32258
workforce, in consultation with the auditor of state, the 32259
department shall reduce the amounts otherwise payable under 32260
section 3317.022 of the Revised Code to any community school 32261
that includes in its program the provision of computer hardware 32262
and software materials to any student, if such hardware and 32263
software materials have not been delivered, installed, and 32264
activated for each such student in a timely manner or other 32265
educational materials or services have not been provided 32266
according to the contract between the individual community 32267
school and its sponsor. 32268

The ~~superintendent of public instruction~~ director and the auditor of state shall jointly establish a method for auditing any community school to which this division pertains to ensure compliance with this section.

The ~~superintendent~~ director, auditor of state, and the governor shall jointly make recommendations to the general assembly for legislative changes that may be required to assure fiscal and academic accountability for such schools.

(K) (1) If the department determines that a review of a community school's enrollment is necessary, such review shall be completed and written notice of the findings shall be provided to the governing authority of the community school and its sponsor within ninety days of the end of the community school's fiscal year, unless extended for a period not to exceed thirty additional days for one of the following reasons:

(a) The department and the community school mutually agree to the extension.

(b) Delays in data submission caused by either a community school or its sponsor.

(2) If the review results in a finding that additional funding is owed to the school, such payment shall be made within thirty days of the written notice. If the review results in a finding that the community school owes moneys to the state, the following procedure shall apply:

(a) Within ten business days of the receipt of the notice of findings, the community school may appeal the department's determination to the ~~state board of education or its designee~~ director.

(b) The ~~board or its designee~~ director shall conduct an

informal hearing on the matter within thirty days of receipt of 32298
such an appeal and shall issue a decision within fifteen days of 32299
the conclusion of the hearing. 32300

~~(c) If the board has enlisted a designee to conduct the 32301
hearing, the designee shall certify its decision to the board. 32302
The board may accept the decision of the designee or may reject 32303
the decision of the designee and issue its own decision on the 32304
matter. 32305~~

~~(d) Any decision made by the ~~board~~ director under this 32306
division is final. 32307~~

(3) If it is decided that the community school owes moneys 32308
to the state, the department shall deduct such amount from the 32309
school's future payments in accordance with guidelines issued by 32310
the ~~superintendent of public instruction~~ director. 32311

(L) The department shall not pay to a community school 32312
under section 3317.022 of the Revised Code any amount for any of 32313
the following: 32314

(1) Any student who has graduated from the twelfth grade 32315
of a public or nonpublic high school; 32316

(2) Any student who is not a resident of the state; 32317

(3) Any student who was enrolled in the community school 32318
during the previous school year when assessments were 32319
administered under section 3301.0711 of the Revised Code but did 32320
not take one or more of the assessments required by that section 32321
and was not excused pursuant to division (C) (1) or (3) of that 32322
section, unless the ~~superintendent of public instruction~~ 32323
director grants the student a waiver from the requirement to 32324
take the assessment and a parent is not paying tuition for the 32325
student pursuant to section 3314.26 of the Revised Code. The 32326

~~superintendent~~ director may grant a waiver only for good cause 32327
in accordance with rules adopted by the ~~state board of education~~ 32328
department. 32329

(4) Any student who has attained the age of twenty-two 32330
years, except for veterans of the armed services whose 32331
attendance was interrupted before completing the recognized 32332
twelve-year course of the public schools by reason of induction 32333
or enlistment in the armed forces and who apply for enrollment 32334
in a community school not later than four years after 32335
termination of war or their honorable discharge. If, however, 32336
any such veteran elects to enroll in special courses organized 32337
for veterans for whom tuition is paid under federal law, or 32338
otherwise, the department shall not pay to a community school 32339
under section 3317.022 of the Revised Code any amount for that 32340
veteran. 32341

Sec. 3314.081. To the extent permitted by federal law, the 32342
department of education and workforce shall include community 32343
schools established under this chapter in its annual allocation 32344
of federal moneys under Title I of the "Elementary and Secondary 32345
Education Act of 1965," 20 U.S.C. 6301, et seq. 32346

Sec. 3314.083. If the department of education and 32347
workforce pays a joint vocational school district under division 32348
(C) (3) of section 3317.16 of the Revised Code for excess costs 32349
of providing special education and related services to a student 32350
with a disability who is enrolled in a community school, as 32351
calculated under division (C) (1) of that section, the department 32352
shall deduct the amount of that payment from the amount 32353
calculated for payment to the community school under section 32354
3317.022 of the Revised Code. 32355

Sec. 3314.087. (A) As used in this section: 32356

(1) "Career-technical program" means career-technical programs or classes described in division (A) (1), (2), (3), (4), or (5) of section 3317.014 of the Revised Code in which a student is enrolled.

(2) "Category one through five career-technical education ADM," and "FTE basis" have the same meanings as in section 3317.02 of the Revised Code.

(3) "Resident school district" means the city, exempted village, or local school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(B) Notwithstanding anything to the contrary in this chapter or Chapter 3317. of the Revised Code, a student enrolled in a community school may simultaneously enroll in the career-technical program operated by the career-technical planning district to which the student's resident district belongs. On an FTE basis, the student's resident school district shall count the student in the category one through five career-technical education ADM for the proportion of the time the student is enrolled in a career-technical program of the career-technical planning district to which the student's resident district belongs and, accordingly, the department of education and workforce shall calculate funds under Chapter 3317. of the Revised Code for the resident district attributable to the student for the proportion of time the student attends the career-technical program. The community school shall count the student in its enrollment report under section 3314.08 of the Revised Code and shall report to the department the proportion of time that the student attends classes at the community school. The department shall pay the community school the amount

computed for the student under section 3317.022 of the Revised Code in proportion to the fraction of the time on an FTE basis that the student attends classes at the community school. "Full-time equivalency" for a community school student, as defined in division (H) of section 3314.08 of the Revised Code, does not apply to the student.

Sec. 3314.091. (A) A school district is not required to provide transportation for any native student enrolled in a community school if the district board of education has entered into an agreement with the community school's governing authority that designates the community school as responsible for providing or arranging for the transportation of the district's native students to and from the community school. For any such agreement to be effective, it must be certified by the superintendent of public instruction director of education and workforce as having met all of the following requirements:

(1) It is submitted to the department of education and workforce by a deadline which shall be established by the department.

(2) In accordance with divisions (C) (1) and (2) of this section, it specifies qualifications, such as residing a minimum distance from the school, for students to have their transportation provided or arranged.

(3) The transportation provided by the community school is subject to all provisions of the Revised Code and all rules adopted under the Revised Code pertaining to pupil transportation.

(4) The sponsor of the community school also has signed the agreement.

(B) (1) For the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school, if the community school during the previous school year transported the students enrolled in the school or arranged for the students' transportation, even if that arrangement consisted of having parents transport their children to and from the school, but did not enter into an agreement to transport or arrange for transportation for those students under division (A) of this section, and if the governing authority of the community school by July 15, 2007, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school.

(2) Except as provided in division (B) (4) of this section, for any school year subsequent to the school year that begins on July 1, 2007, a school district is not required to provide transportation for any native student enrolled in a community school if the governing authority of the community school, by the first day of August, submits written notification to the district board of education stating that the governing authority is accepting responsibility for providing or arranging for the transportation of the district's native students to and from the community school. If the governing authority of the community school has previously accepted responsibility for providing or arranging for the transportation of a district's native students to and from the community school, under division (B) (1) or (2) of this section, and has since relinquished that responsibility under division (B) (3) of this section, the governing authority shall not accept that responsibility again unless the district

board consents to the governing authority's acceptance of that responsibility. 32447
32448

(3) A governing authority's acceptance of responsibility 32449
under division (B)(1) or (2) of this section shall cover an 32450
entire school year, and shall remain in effect for subsequent 32451
school years unless the governing authority submits written 32452
notification to the district board that the governing authority 32453
is relinquishing the responsibility. However, a governing 32454
authority shall not relinquish responsibility for transportation 32455
before the end of a school year, and shall submit the notice 32456
relinquishing responsibility by the thirty-first day of January, 32457
in order to allow the school district reasonable time to prepare 32458
transportation for its native students enrolled in the school. 32459

(4) (a) For any school year that begins on or after July 1, 32460
2014, a school district is not required to provide 32461
transportation for any native student enrolled in a community 32462
school scheduled to open for operation in the current school 32463
year, if the governing authority of the community school, by the 32464
fifteenth day of April of the previous school year, submits 32465
written notification to the district board of education stating 32466
that the governing authority is accepting responsibility for 32467
providing or arranging for the transportation of the district's 32468
native students to and from the community school. 32469

(b) The governing authority of a community school that 32470
accepts responsibility for transporting its students under 32471
division (B)(4)(a) of this section shall comply with divisions 32472
(B)(2) and (3) of this section to renew or relinquish that 32473
authority for subsequent school years. 32474

(C)(1) A community school governing authority that enters 32475
into an agreement under division (A) of this section, or that 32476

accepts responsibility under division (B) of this section, shall 32477
provide or arrange transportation free of any charge for each of 32478
its enrolled students who is required to be transported under 32479
section 3327.01 of the Revised Code. The governing authority 32480
shall report to the department of education and workforce the 32481
number of students transported or for whom transportation is 32482
arranged under this section in accordance with rules adopted by 32483
~~the state board of education~~ department. 32484

(2) The governing authority may provide or arrange 32485
transportation for any other enrolled student who is not 32486
eligible for transportation in accordance with division (C) (1) 32487
of this section and may charge a fee for such service up to the 32488
actual cost of the service. 32489

(3) Notwithstanding anything to the contrary in division 32490
(C) (1) or (2) of this section, a community school governing 32491
authority shall provide or arrange transportation free of any 32492
charge for any disabled student enrolled in the school for whom 32493
the student's individualized education program developed under 32494
Chapter 3323. of the Revised Code specifies transportation. 32495

(D) A community school shall use payments received under 32496
division (H) of section 3317.0212 of the Revised Code solely to 32497
pay the costs of providing or arranging for the transportation 32498
of students who are eligible as specified in section 3327.01 of 32499
the Revised Code and division (C) (1) of this section, which may 32500
include payments to a parent, guardian, or other person in 32501
charge of a child in lieu of transportation. 32502

(E) Except when arranged through payment to a parent, 32503
guardian, or person in charge of a child, transportation 32504
provided or arranged for by a community school pursuant to an 32505
agreement under this section is subject to all provisions of the 32506

Revised Code, and all rules adopted under the Revised Code, 32507
pertaining to the construction, design, equipment, and operation 32508
of school buses and other vehicles transporting students to and 32509
from school. The drivers and mechanics of the vehicles are 32510
subject to all provisions of the Revised Code, and all rules 32511
adopted under the Revised Code, pertaining to drivers and 32512
mechanics of such vehicles. The community school also shall 32513
comply with sections 3313.201, 3327.09, and 3327.10 of the 32514
Revised Code, division (B) of section 3327.16 of the Revised 32515
Code and, subject to division (C)(1) of this section, sections 32516
3327.01 and 3327.02 of the Revised Code, as if it were a school 32517
district. 32518

Sec. 3314.10. (A)(1) The governing authority of any 32519
community school established under this chapter may employ 32520
teachers and nonteaching employees necessary to carry out its 32521
mission and fulfill its contract. 32522

(2) Except as provided under division (A)(3) of this 32523
section, employees hired under this section may organize and 32524
collectively bargain pursuant to Chapter 4117. of the Revised 32525
Code. Notwithstanding division (D)(1) of section 4117.06 of the 32526
Revised Code, a unit containing teaching and nonteaching 32527
employees employed under this section shall be considered an 32528
appropriate unit. Except as provided in divisions (B)(2)(b) and 32529
(c) of section 3307.01 of the Revised Code and in section 32530
3309.013 of the Revised Code, employment under this section is 32531
subject to either Chapter 3307. or 3309. of the Revised Code. 32532

(3) If a school is created by converting all or part of an 32533
existing public school rather than by establishment of a new 32534
start-up school, at the time of conversion, the employees of the 32535
community school shall remain part of any collective bargaining 32536

unit in which they were included immediately prior to the 32537
conversion and shall remain subject to any collective bargaining 32538
agreement for that unit in effect on the first day of July of 32539
the year in which the community school initially begins 32540
operation and shall be subject to any subsequent collective 32541
bargaining agreement for that unit, unless a petition is 32542
certified as sufficient under division (A) (6) of this section 32543
with regard to those employees. Any new employees of the 32544
community school shall also be included in the unit to which 32545
they would have been assigned had not the conversion taken place 32546
and shall be subject to the collective bargaining agreement for 32547
that unit unless a petition is certified as sufficient under 32548
division (A) (6) of this section with regard to those employees. 32549

Notwithstanding division (B) of section 4117.01 of the 32550
Revised Code, the board of education of a school district and 32551
not the governing authority of a community school shall be 32552
regarded, for purposes of Chapter 4117. of the Revised Code, as 32553
the "public employer" of the employees of a conversion community 32554
school subject to a collective bargaining agreement pursuant to 32555
division (A) (3) of this section unless a petition is certified 32556
under division (A) (6) of this section with regard to those 32557
employees. Only on and after the effective date of a petition 32558
certified as sufficient under division (A) (6) of this section 32559
shall division (A) (2) of this section apply to those employees 32560
of that community school and only on and after the effective 32561
date of that petition shall Chapter 4117. of the Revised Code 32562
apply to the governing authority of that community school with 32563
regard to those employees. 32564

(4) Notwithstanding sections 4117.03 to 4117.18 of the 32565
Revised Code and Section 4 of Amended Substitute Senate Bill No. 32566
133 of the 115th general assembly, the employees of a conversion 32567

community school who are subject to a collective bargaining 32568
agreement pursuant to division (A) (3) of this section shall 32569
cease to be subject to that agreement and all subsequent 32570
agreements pursuant to that division and shall cease to be part 32571
of the collective bargaining unit that is subject to that and 32572
all subsequent agreements, if a majority of the employees of 32573
that community school who are subject to that collective 32574
bargaining agreement sign and submit to the state employment 32575
relations board a petition requesting all of the following: 32576

(a) That all the employees of the community school who are 32577
subject to that agreement be removed from the bargaining unit 32578
that is subject to that agreement and be designated by the state 32579
employment relations board as a new and separate bargaining unit 32580
for purposes of Chapter 4117. of the Revised Code; 32581

(b) That the employee organization certified as the 32582
exclusive representative of the employees of the bargaining unit 32583
from which the employees are to be removed be certified as the 32584
exclusive representative of the new and separate bargaining unit 32585
for purposes of Chapter 4117. of the Revised Code; 32586

(c) That the governing authority of the community school 32587
be regarded as the "public employer" of these employees for 32588
purposes of Chapter 4117. of the Revised Code. 32589

(5) Notwithstanding sections 4117.03 to 4117.18 of the 32590
Revised Code and Section 4 of Amended Substitute Senate Bill No. 32591
133 of the 115th general assembly, the employees of a conversion 32592
community school who are subject to a collective bargaining 32593
agreement pursuant to division (A) (3) of this section shall 32594
cease to be subject to that agreement and all subsequent 32595
agreements pursuant to that division, shall cease to be part of 32596
the collective bargaining unit that is subject to that and all 32597

subsequent agreements, and shall cease to be represented by any 32598
exclusive representative of that collective bargaining unit, if 32599
a majority of the employees of the community school who are 32600
subject to that collective bargaining agreement sign and submit 32601
to the state employment relations board a petition requesting 32602
all of the following: 32603

(a) That all the employees of the community school who are 32604
subject to that agreement be removed from the bargaining unit 32605
that is subject to that agreement; 32606

(b) That any employee organization certified as the 32607
exclusive representative of the employees of that bargaining 32608
unit be decertified as the exclusive representative of the 32609
employees of the community school who are subject to that 32610
agreement; 32611

(c) That the governing authority of the community school 32612
be regarded as the "public employer" of these employees for 32613
purposes of Chapter 4117. of the Revised Code. 32614

(6) Upon receipt of a petition under division (A) (4) or 32615
(5) of this section, the state employment relations board shall 32616
check the sufficiency of the signatures on the petition. If the 32617
signatures are found sufficient, the board shall certify the 32618
sufficiency of the petition and so notify the parties involved, 32619
including the board of education, the governing authority of the 32620
community school, and any exclusive representative of the 32621
bargaining unit. The changes requested in a certified petition 32622
shall take effect on the first day of the month immediately 32623
following the date on which the sufficiency of the petition is 32624
certified under division (A) (6) of this section. 32625

(B) (1) The board of education of each city, local, and 32626

exempted village school district sponsoring a community school 32627
and the governing board of each educational service center in 32628
which a community school is located shall adopt a policy that 32629
provides a leave of absence of at least three years to each 32630
teacher or nonteaching employee of the district or service 32631
center who is employed by a conversion or new start-up community 32632
school sponsored by the district or located in the district or 32633
center for the period during which the teacher or employee is 32634
continuously employed by the community school. The policy shall 32635
also provide that any teacher or nonteaching employee may return 32636
to employment by the district or service center if the teacher 32637
or employee leaves or is discharged from employment with the 32638
community school for any reason, unless, in the case of a 32639
teacher, the board of the district or service center determines 32640
that the teacher was discharged for a reason for which the board 32641
would have sought to discharge the teacher under section 3311.82 32642
or 3319.16 of the Revised Code, in which case the board may 32643
proceed to discharge the teacher utilizing the procedures of 32644
that section. Upon termination of such a leave of absence, any 32645
seniority that is applicable to the person shall be calculated 32646
to include all of the following: all employment by the district 32647
or service center prior to the leave of absence; all employment 32648
by the community school during the leave of absence; and all 32649
employment by the district or service center after the leave of 32650
absence. The policy shall also provide that if any teacher 32651
holding valid certification returns to employment by the 32652
district or service center upon termination of such a leave of 32653
absence, the teacher shall be restored to the previous position 32654
and salary or to a position and salary similar thereto. If, as a 32655
result of teachers returning to employment upon termination of 32656
such leaves of absence, a school district or educational service 32657
center reduces the number of teachers it employs, it shall make 32658

such reductions in accordance with section 3319.171 of the Revised Code. 32659
32660

Unless a collective bargaining agreement providing 32661
otherwise is in effect for an employee of a conversion community 32662
school pursuant to division (A)(3) of this section, an employee 32663
on a leave of absence pursuant to this division shall remain 32664
eligible for any benefits that are in addition to benefits under 32665
Chapter 3307. or 3309. of the Revised Code provided by the 32666
district or service center to its employees provided the 32667
employee pays the entire cost associated with such benefits, 32668
except that personal leave and vacation leave cannot be accrued 32669
for use as an employee of a school district or service center 32670
while in the employ of a community school unless the district or 32671
service center board adopts a policy expressly permitting this 32672
accrual. 32673

(2) While on a leave of absence pursuant to division (B) 32674
(1) of this section, a conversion community school shall permit 32675
a teacher to use sick leave accrued while in the employ of the 32676
school district from which the leave of absence was taken and 32677
prior to commencing such leave. If a teacher who is on such a 32678
leave of absence uses sick leave so accrued, the cost of any 32679
salary paid by the community school to the teacher for that time 32680
shall be reported to the department of education and workforce. 32681
The cost of employing a substitute teacher for that time shall 32682
be paid by the community school. The department of education and 32683
workforce shall add amounts to the payments made to a community 32684
school under this chapter as necessary to cover the cost of 32685
salary reported by a community school as paid to a teacher using 32686
sick leave so accrued pursuant to this section. The department 32687
shall subtract the amounts of any payments made to community 32688
schools under this division from payments made to such 32689

sponsoring school district under Chapter 3317. of the Revised Code. 32690
32691

A school district providing a leave of absence and 32692
employee benefits to a person pursuant to this division is not 32693
liable for any action of that person while the person is on such 32694
leave and employed by a community school. 32695

Sec. 3314.101. (A) As used in this section, "license" has 32696
the same meaning as in section 3319.31 of the Revised Code. 32697

(B) If a person who is employed by a community school 32698
established under this chapter or by an operator is arrested, 32699
summoned, or indicted for an alleged violation of an offense 32700
listed in division (C) of section 3319.31 of the Revised Code, 32701
if the person holds a license, or an offense listed in division 32702
(B)(1) of section 3319.39 of the Revised Code, if the person 32703
does not hold a license, the chief administrator of the 32704
community school in which that person works shall suspend that 32705
person from all duties that require the care, custody, or 32706
control of a child during the pendency of the criminal action 32707
against the person. If the person who is arrested, summoned, or 32708
indicted for an alleged violation of an offense listed in 32709
division (C) of section 3319.31 or division (B)(1) of section 32710
3319.39 of the Revised Code is the chief administrator of the 32711
community school, the governing authority of the school shall 32712
suspend the chief administrator from all duties that require the 32713
care, custody, or control of a child. 32714

(C) When a person who holds a license is suspended in 32715
accordance with this section, the chief administrator or 32716
governing authority that imposed the suspension promptly shall 32717
report the person's suspension to the department of education_ 32718
and workforce and state board of education. The report shall 32719

include the offense for which the person was arrested, summoned, 32720
or indicted. 32721

Sec. 3314.11. (A) The governing authority of each 32722
community school established under this chapter monthly shall 32723
review the residency records of students enrolled in that 32724
community school. Upon the enrollment of each student and on an 32725
annual basis, the governing authority shall verify to the 32726
department of education and workforce the school district in 32727
which the student is entitled to attend school under section 32728
3313.64 or 3313.65 of the Revised Code. 32729

The school district may review the determination made by 32730
the community school under division (A) of this section. 32731

(B) (1) For purposes of its initial reporting of the school 32732
districts in which its students are entitled to attend school, 32733
the governing authority of a community school shall adopt a 32734
policy that prescribes the number of documents listed in 32735
division (E) of this section required to verify a student's 32736
residency. This policy shall supersede any policy concerning the 32737
number of documents for initial residency verification adopted 32738
by the district the student is entitled to attend. 32739

(2) For purposes of the annual reporting of the school 32740
districts in which its students are entitled to attend school, 32741
the governing authority of a community school shall adopt a 32742
policy that prescribes the information required to verify a 32743
student's residency. This information may be obtained through 32744
any type of document, including any of the documents listed in 32745
division (E) of this section, or any type of communication with 32746
a government official authorized to provide such information. 32747

(C) For purposes of making the determinations required 32748

under this section, the school district in which a parent or 32749
child resides is the location the parent or student has 32750
established as the primary residence and where substantial 32751
family activity takes place. 32752

(D) If a community school's determination under division 32753
(A) of this section of the school district a student is entitled 32754
to attend under section 3313.64 or 3313.65 of the Revised Code 32755
differs from a district's determination, the community school 32756
that made the determination under division (A) of this section 32757
shall provide the school district with documentation of the 32758
student's residency and shall make a good faith effort to 32759
accurately identify the correct residence of the student. 32760

(E) For purposes of this section, the following documents 32761
may serve as evidence of primary residence: 32762

(1) A deed, mortgage, lease, current home owner's or 32763
renter's insurance declaration page, or current real property 32764
tax bill; 32765

(2) A utility bill or receipt of utility installation 32766
issued within ninety days of enrollment; 32767

(3) A paycheck or paystub issued to the parent or student 32768
within ninety days of the date of enrollment that includes the 32769
address of the parent's or student's primary residence; 32770

(4) The most current available bank statement issued to 32771
the parent or student that includes the address of the parent's 32772
or student's primary residence; 32773

(5) Any other official document issued to the parent or 32774
student that includes the address of the parent's or student's 32775
primary residence. The ~~superintendent of public instruction~~ 32776
department shall develop guidelines for determining what 32777

qualifies as an "official document" under this division. 32778

(F) When a student loses permanent housing and becomes a 32779
homeless child or youth, as defined in 42 U.S.C. 11434a, or when 32780
a child who is such a homeless child or youth changes temporary 32781
living arrangements, the district in which the student is 32782
entitled to attend school shall be determined in accordance with 32783
division (F) (13) of section 3313.64 of the Revised Code and the 32784
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et 32785
seq. 32786

(G) In the event of a disagreement as to which school 32787
district a student is entitled to attend, the community school, 32788
after complying with division (D) of this section, but not more 32789
than sixty days after the monthly deadline established by the 32790
department ~~of education~~ for reporting of community school 32791
enrollment, may present the matter to the ~~superintendent of~~ 32792
~~public instruction~~ director of education and workforce. Not later 32793
than thirty days after the community school presents the matter, 32794
the ~~state superintendent~~ director, or the ~~state superintendent's~~ 32795
director's designee, shall determine which district the student 32796
is entitled to attend and shall direct any necessary adjustments 32797
to payments under section 3317.022 of the Revised Code based on 32798
that determination. 32799

Sec. 3314.12. On or before the first day of November each 32800
year, the sponsor of each community school established under 32801
this chapter shall submit to the department of education and 32802
workforce, in accordance with guidelines adopted by the 32803
department for purposes of this section, a report that describes 32804
the special education and related services provided by that 32805
school to enrolled students during the previous fiscal year and 32806
the school's expenditures for those services. 32807

Sec. 3314.143. (A) With the approval of its governing 32808
authority, a community school established under this chapter may 32809
procure epinephrine autoinjectors in the manner prescribed by 32810
section 3313.7110 of the Revised Code. A community school that 32811
elects to do so shall comply with all provisions of that section 32812
as if it were a school district. 32813

(B) (1) The following are not liable in damages in a civil 32814
action for injury, death, or loss to person or property that 32815
allegedly arises from an act or omission associated with 32816
procuring, maintaining, accessing, or using an epinephrine 32817
autoinjector under this section, unless the act or omission 32818
constitutes willful or wanton misconduct: 32819

(a) A community school; 32820

(b) A member of a community school governing authority; 32821

(c) A community school employee or contractor; 32822

(d) A licensed health professional authorized to prescribe 32823
drugs who personally furnishes or prescribes epinephrine 32824
autoinjectors, provides a consultation, or issues a protocol 32825
pursuant to this section. 32826

(2) This division does not eliminate, limit, or reduce any 32827
other immunity or defense that a community school or governing 32828
authority, member of a community school governing authority, 32829
community school employee or contractor, or licensed health 32830
professional may be entitled to under Chapter 2744. or any other 32831
provision of the Revised Code or under the common law of this 32832
state. 32833

(C) A community school may accept donations of epinephrine 32834
autoinjectors from a wholesale distributor of dangerous drugs or 32835
a manufacturer of dangerous drugs, as defined in section 4729.01 32836

of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors. 32837
32838

(D) A community school that elects to procure epinephrine autoinjectors under this section shall report to the department of education and workforce each procurement and occurrence in which an epinephrine autoinjector is used from the school's supply of epinephrine autoinjectors. 32839
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Sec. 3314.144. (A) As used in this section, "inhaler" has the same meaning as in section 3313.7113 of the Revised Code. 32844
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(B) With the approval of its governing authority, a community school may procure inhalers in the manner prescribed by section 3313.7113 of the Revised Code. A community school that elects to do so shall comply with all provisions of that section as if it were a school district. 32846
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(C) A community school, a member of a community school governing authority, or a community school employee or contractor is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an inhaler under this section, unless the act or omission constitutes willful or wanton misconduct. 32851
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This division does not eliminate, limit, or reduce any other immunity or defense that a community school or governing authority, member of a community school governing authority, or community school employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 32859
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(D) A community school may accept donations of inhalers 32865

from a wholesale distributor of dangerous drugs or a 32866
manufacturer of dangerous drugs, as defined in section 4729.01 32867
of the Revised Code, and may accept donations of money from any 32868
person to purchase inhalers. 32869

(E) A community school that elects to procure inhalers 32870
under this section shall report to the department of education_ 32871
and workforce each procurement and occurrence in which an 32872
inhaler is used from the school's supply of inhalers. 32873

Sec. 3314.147. (A) With the approval of its governing 32874
authority, a community school established under this chapter may 32875
procure injectable or nasally administered glucagon in the 32876
manner prescribed by section 3313.7115 of the Revised Code. A 32877
community school that elects to do so shall comply with all 32878
provisions of that section as if it were a school district. 32879

(B) (1) The following are not liable in damages in a civil 32880
action for injury, death, or loss to person or property that 32881
allegedly arises from an act or omission associated with 32882
procuring, maintaining, accessing, or using injectable or 32883
nasally administered glucagon under this section, unless the act 32884
or omission constitutes willful or wanton misconduct: 32885

(a) A community school; 32886

(b) A member of a community school governing authority; 32887

(c) A community school employee or contractor; 32888

(d) A licensed health professional authorized to prescribe 32889
drugs who personally furnishes or prescribes injectable or 32890
nasally administered glucagon, provides a consultation, or 32891
issues a protocol pursuant to this section. 32892

(2) This division does not eliminate, limit, or reduce any 32893

other immunity or defense that a community school or governing authority, member of a community school governing authority, community school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(C) A community school may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.

(D) A community school that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education and workforce each procurement and each occurrence in which a dose of the drug is used from the school's supply.

Sec. 3314.17. (A) Each community school established under this chapter shall participate in the statewide education management information system established under section 3301.0714 of the Revised Code. All provisions of that section and the rules adopted under that section apply to each community school as if it were a school district, except as modified for community schools under division (B) of this section. Each community school shall comply with division (C) of section 3301.0723 of the Revised Code.

(B) The rules adopted by the ~~state board~~ department of education and workforce under section 3301.0714 of the Revised Code may distinguish methods and timelines for community schools to annually report data, which methods and timelines differ from those prescribed for school districts. Any methods and timelines

prescribed for community schools shall be appropriate to the 32924
academic schedule and financing of community schools. The 32925
guidelines, however, shall not modify the actual data required 32926
to be reported under that section. 32927

(C) Each fiscal officer appointed under section 3314.011 32928
of the Revised Code is responsible for annually reporting the 32929
community school's data under section 3301.0714 of the Revised 32930
Code. If the ~~superintendent of public instruction~~ director of 32931
education and workforce determines that a community school 32932
fiscal officer has willfully failed to report data or has 32933
willfully reported erroneous, inaccurate, or incomplete data in 32934
any year, or has negligently reported erroneous, inaccurate, or 32935
incomplete data in the current and any previous year, the 32936
~~superintendent~~ director may impose a civil penalty of one 32937
hundred dollars on the fiscal officer after providing the 32938
officer with notice and an opportunity for a hearing in 32939
accordance with Chapter 119. of the Revised Code. The 32940
~~superintendent's~~ director's authority to impose civil penalties 32941
under this division does not preclude the state board of 32942
education from suspending or revoking the license of a community 32943
school employee under division (N) of section 3301.0714 of the 32944
Revised Code. 32945

(D) No community school shall acquire, change, or update 32946
its student administration software package to manage and report 32947
data required to be reported to the department unless it 32948
converts to a student software package that is certified by the 32949
department. 32950

Sec. 3314.18. (A) Subject to division (C) of this section, 32951
the governing authority of each community school shall establish 32952
a breakfast program pursuant to the "National School Lunch Act," 32953

60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, if at least one-fifth of the pupils in the school are eligible under federal requirements for free breakfasts, and shall establish a lunch program pursuant to those acts if at least one-fifth of the pupils are eligible for free lunches. The governing authority required to establish a breakfast program under this division may make a charge in accordance with federal requirements for each reduced price breakfast or paid breakfast to cover the cost incurred in providing that meal.

A breakfast program established under this section shall be operated in accordance with section 3313.818 of the Revised Code in any community school meeting the conditions prescribed by that section.

(B) Subject to division (C) of this section, the governing authority of each community school shall establish one of the following for summer intervention services described in division (D) of section 3301.0711 or provided under section 3313.608 of the Revised Code, and any other summer intervention program required by law:

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

(2) An extension of the school lunch program pursuant to those acts;

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

(C) If the governing authority of a community school determines that, for financial reasons, it cannot comply with division (A) or (B) of this section, the governing authority may

choose not to comply with either or both divisions. In that 32983
case, the governing authority shall communicate to the parents 32984
of its students, in the manner it determines appropriate, its 32985
decision not to comply. 32986

(D) The governing authority of each community school 32987
required to establish a school breakfast, school lunch, or 32988
summer food service program under this section shall apply for 32989
state and federal funds allocated by the ~~state board~~ department 32990
of education and workforce under division (B) of section 32991
3313.813 of the Revised Code and shall comply with the ~~state~~ 32992
~~board's~~ department's standards adopted under that division. 32993

(E) The governing authority of any community school 32994
required to establish a breakfast program under this section or 32995
that elects to participate in a breakfast program pursuant to 32996
the "National School Lunch Act" and the "Child Nutrition Act of 32997
1966" may offer breakfast to pupils in their classrooms during 32998
the school day. However, any community school that is subject to 32999
section 3313.818 of the Revised Code shall offer breakfast to 33000
pupils in accordance with that section. 33001

(F) Notwithstanding anything in this section to the 33002
contrary, in each fiscal year in which the general assembly 33003
appropriates funds for purposes of this division, the governing 33004
authority of each community school required to establish a 33005
breakfast program under this section or that elects to 33006
participate in a breakfast program pursuant to the "National 33007
School Lunch Act" and the "Child Nutrition Act of 1966" shall 33008
provide a breakfast free of charge to each pupil who is eligible 33009
under federal requirements for a reduced price breakfast. 33010

(G) This section does not apply to internet- or computer- 33011
based community schools. 33012

Sec. 3314.19. The sponsor of each community school shall 33013
provide the following assurances in writing to the department of 33014
education and workforce not later than ten business days prior 33015
to the opening of the school's first year of operation or, if 33016
the school is not an internet- or computer-based community 33017
school and it changes the building from which it operates, the 33018
opening of the first year it operates from the new building: 33019

(A) That a current copy of the contract between the 33020
sponsor and the governing authority of the school entered into 33021
under section 3314.03 of the Revised Code has been filed with 33022
the department and that any subsequent modifications to that 33023
contract will be filed with the department; 33024

(B) That the school has submitted to the sponsor a plan 33025
for providing special education and related services to students 33026
with disabilities and has demonstrated the capacity to provide 33027
those services in accordance with Chapter 3323. of the Revised 33028
Code and federal law; 33029

(C) That the school has a plan and procedures for 33030
administering the achievement and diagnostic assessments 33031
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 33032
the Revised Code; 33033

(D) That school personnel have the necessary training, 33034
knowledge, and resources to properly use and submit information 33035
to all databases maintained by the department for the collection 33036
of education data, including the education management 33037
information system established under section 3301.0714 of the 33038
Revised Code in accordance with methods and timelines 33039
established under section 3314.17 of the Revised Code; 33040

(E) That all required information about the school has 33041

been submitted to the Ohio education directory system or any
successor system; 33042
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(F) That the school will enroll at least the minimum
number of students required by division (A) (11) (a) of section
3314.03 of the Revised Code in the school year for which the
assurances are provided; 33044
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(G) That all classroom teachers are licensed in accordance
with sections 3319.22 to 3319.31 of the Revised Code, except for
noncertificated persons engaged to teach up to twelve hours or
forty hours per week pursuant to section 3319.301 of the Revised
Code; 33048
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(H) That the school's fiscal officer is in compliance with
section 3314.011 of the Revised Code; 33053
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(I) That the school has complied with sections 3319.39 and
3319.391 of the Revised Code with respect to all employees and
that the school has conducted a criminal records check of each
of its governing authority members; 33055
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(J) That the school holds all of the following: 33059

(1) Proof of property ownership or a lease for the
facilities used by the school; 33060
33061

(2) A certificate of occupancy; 33062

(3) Liability insurance for the school, as required by
division (A) (11) (b) of section 3314.03 of the Revised Code, that
the sponsor considers sufficient to indemnify the school's
facilities, staff, and governing authority against risk; 33063
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(4) A satisfactory health and safety inspection; 33067

(5) A satisfactory fire inspection; 33068

(6) A valid food permit, if applicable.	33069
(K) That the sponsor has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;	33070 33071 33072
(L) That the school has designated a date it will open for the school year for which the assurances are provided that is in compliance with division (A) (25) of section 3314.03 of the Revised Code;	33073 33074 33075 33076
(M) That the school has met all of the sponsor's requirements for opening and any other requirements of the sponsor.	33077 33078 33079
(N) That, for any school that operates using the blended learning model, as defined in section 3301.079 of the Revised Code, the sponsor has reviewed the following information, submitted by the school:	33080 33081 33082 33083
(1) An indication of what blended learning model or models will be used;	33084 33085
(2) A description of how student instructional needs will be determined and documented;	33086 33087
(3) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	33088 33089
(4) The school's attendance requirements, including how the school will document participation in learning opportunities;	33090 33091 33092
(5) A statement describing how student progress will be monitored;	33093 33094
(6) A statement describing how private student data will	33095

be protected; 33096

(7) A description of the professional development 33097
activities that will be offered to teachers. 33098

Sec. 3314.191. Notwithstanding any provision to the 33099
contrary in the Revised Code, the department of education and 33100
workforce shall make no payment under section 3317.022 of the 33101
Revised Code to a community school opening for its first year of 33102
operation until the sponsor of that school confirms all of the 33103
following: 33104

(A) The school is in compliance with the provisions 33105
described in divisions (A), (H), (I), and (J) (3) of section 33106
3314.19 of the Revised Code. 33107

(B) The sponsor has approved the financial controls 33108
required by the comprehensive plan for the school under division 33109
(B) (5) of section 3314.03 of the Revised Code. 33110

(C) The school facilities will be ready and open for use 33111
by the date prescribed in the contract entered into under 33112
section 3314.03 of the Revised Code, and the sponsor has 33113
reviewed any lease, purchase agreement, permits required by 33114
statute or contract, and construction plans. 33115

(D) The chief administrator of the community school 33116
actively is managing daily operations at the school. 33117

(E) The projected enrollment reported to the department is 33118
accurate. 33119

Sec. 3314.20. (A) As used in this section: 33120

(1) "Base enrollment" for an internet- or computer-based 33121
community school means either of the following: 33122

(a) If the school was open for instruction on the	33123
effective date of this section September 29, 2013, the number of	33124
students enrolled in the school at the end of the 2012-2013	33125
school year;	33126
(b) If the school opens for instruction after the	33127
effective date of this section September 29, 2013, one thousand	33128
students.	33129
(2) "Enrollment limit" for an internet- or computer-based	33130
community school means the following:	33131
(a) For the 2014-2015 school year, the base enrollment	33132
increased by the prescribed annual rate of growth, as calculated	33133
by the department of education <u>and workforce.</u>	33134
(b) For the 2015-2016 school year and each school year	33135
thereafter, the previous school year's enrollment limit	33136
increased by the prescribed annual rate of growth, as calculated	33137
by the department.	33138
(3) "Prescribed annual rate of growth" for an internet- or	33139
computer-based community school means either of the following:	33140
(a) For a school with an enrollment limit equal to or	33141
greater than three thousand students, fifteen per cent.	33142
(b) For a school with an enrollment limit of less than	33143
three thousand students, twenty-five per cent.	33144
(B) Beginning in the 2014-2015 school year, no internet-	33145
or computer-based community school shall enroll more students	33146
than the number permitted by its enrollment limit.	33147
(C) If, in any school year, an internet- or computer-based	33148
community school enrolls more students than permitted under the	33149
enrollment limit, the department shall deduct from the community	33150

school the amount of state funds credited to the community 33151
school attributable to each student enrolled in excess of the 33152
enrollment limit, as determined by the department. 33153

Sec. 3314.21. (A) As used in this section: 33154

(1) "Harmful to juveniles" has the same meaning as in 33155
section 2907.01 of the Revised Code. 33156

(2) "Obscene" has the same meaning as in division (F) of 33157
section 2907.01 of the Revised Code as that division has been 33158
construed by the supreme court of this state. 33159

(3) "Teacher of record" means a teacher who is responsible 33160
for the overall academic development and achievement of a 33161
student and not merely the student's instruction in any single 33162
subject. 33163

(B) (1) It is the intent of the general assembly that 33164
teachers employed by internet- or computer-based community 33165
schools conduct visits with their students in person throughout 33166
the school year. 33167

(2) Each internet- or computer-based community school 33168
shall retain an affiliation with at least one full-time teacher 33169
of record licensed in accordance with division (A)(10) of 33170
section 3314.03 of the Revised Code. 33171

(3) Each student enrolled in an internet- or computer- 33172
based community school shall be assigned to at least one teacher 33173
of record. No teacher of record shall be primarily responsible 33174
for the academic development and achievement of more than one 33175
hundred twenty-five students enrolled in the internet- or 33176
computer-based community school that has retained that teacher. 33177

(C) For any internet- or computer-based community school, 33178

the contract between the sponsor and the governing authority of 33179
the school described in section 3314.03 of the Revised Code 33180
shall specify each of the following: 33181

(1) A requirement that the school use a filtering device 33182
or install filtering software that protects against internet 33183
access to materials that are obscene or harmful to juveniles on 33184
each computer provided to students for instructional use. The 33185
school shall provide such device or software at no cost to any 33186
student who works primarily from the student's residence on a 33187
computer obtained from a source other than the school. 33188

(2) A plan for fulfilling the intent of the general 33189
assembly specified in division (B)(1) of this section. The plan 33190
shall indicate the number of times teachers will visit each 33191
student throughout the school year and the manner in which those 33192
visits will be conducted. 33193

(3) That the school will set up a central base of 33194
operation and the sponsor will maintain a representative within 33195
fifty miles of that base of operation to provide monitoring and 33196
assistance. 33197

(D)(1) Annually, each internet- or computer-based 33198
community school shall prepare and submit to the department of 33199
education and workforce, in a time and manner prescribed by the 33200
department, a report that contains information about all of the 33201
following: 33202

(a) Classroom size; 33203

(b) The ratio of teachers to students per classroom; 33204

(c) The number of student-teacher meetings conducted in 33205
person or by video conference; 33206

(d) Any other information determined necessary by the department. 33207
33208

(2) The department annually shall prepare and ~~submit to~~ 33209
~~the state board of education issue~~ a report that contains the 33210
information received under division (D)(1) of this section. 33211

Sec. 3314.22. (A) (1) Each child enrolled in an internet- 33212
or computer-based community school is entitled to a computer 33213
supplied by the school; however, the parent of any child 33214
enrolled in the school may waive this entitlement in the manner 33215
specified in division (A)(3) of this section. In no case shall 33216
an internet- or computer-based community school provide a 33217
stipend or other substitute to an enrolled child or the child's 33218
parent in lieu of supplying a computer to the child. The 33219
prohibition contained in the preceding sentence is intended to 33220
clarify the meaning of this division as it existed prior to 33221
September 29, 2005, and is not intended to change that meaning 33222
in any way. 33223

(2) Notwithstanding division (A)(1) of this section, if 33224
more than one child living in a single residence is enrolled in 33225
an internet- or computer-based community school, at the option 33226
of the parent of those children, the school may supply less than 33227
one computer per child, as long as at least one computer is 33228
supplied to the residence. An internet- or computer-based 33229
community school may supply no computer at all only if the 33230
parent has waived the entitlement prescribed in division (A)(1) 33231
of this section in the manner specified in division (A)(3) of 33232
this section. The parent may amend the decision to accept less 33233
than one computer per child anytime during the school year, and, 33234
in such case, within thirty days after the parent notifies the 33235
school of such amendment, the school shall provide any 33236

additional computers requested by the parent up to the number 33237
necessary to comply with division (A) (1) of this section. 33238

(3) The parent of any child enrolled in an internet- or 33239
computer-based community school may waive the entitlement to one 33240
computer per child, and have no computer at all supplied by the 33241
school, if the school and parent set forth that waiver in 33242
writing with both parties attesting that there is a computer 33243
available to the child in the child's residence with sufficient 33244
hardware, software, programming, and connectivity so that the 33245
child may fully participate in all of the learning opportunities 33246
offered to the child by the school. The parent may amend the 33247
decision to waive the entitlement at any time during the school 33248
year and, in such case, within thirty days after the parent 33249
notifies the school of that decision, the school shall provide 33250
any additional computers requested by the parent up to the 33251
number necessary to comply with division (A) (1) of this section, 33252
regardless of whether there is any change in the conditions 33253
attested to in the waiver. 33254

(4) A copy of a waiver executed under division (A) (3) of 33255
this section shall be retained by the internet- or computer- 33256
based community school and the parent who attested to the 33257
conditions prescribed in that division. The school shall submit 33258
a copy of the waiver to the department of education and 33259
workforce immediately upon execution of the waiver. 33260

(5) The school shall notify the ~~department of education,~~ 33261
in the manner specified by the department, of any parent's 33262
decision under division (A) (2) of this section to accept less 33263
than one computer per child or the parent's amendment to that 33264
decision, and of any parent's decision to amend the waiver 33265
executed under division (A) (3) of this section. 33266

(B) Each internet- or computer-based community school 33267
shall provide to each parent who is considering enrolling the 33268
parent's child in the school and to the parent of each child 33269
already enrolled in the school a written notice of the 33270
provisions prescribed in division (A) of this section. 33271

(C) If a community school that is not an internet- or 33272
computer-based community school provides any of its enrolled 33273
students with nonclassroom-based learning opportunities provided 33274
via an internet- or other computer-based instructional method 33275
and requires such students to participate in any of those 33276
learning opportunities from their residences, the school shall 33277
be subject to this section and division (C) (1) of section 33278
3314.21 of the Revised Code relative to each such student in the 33279
same manner as an internet- or computer-based community school, 33280
unless both of the following conditions apply to the student: 33281

(1) The nonclassroom-based learning opportunities in which 33282
the student is required to participate from the student's 33283
residence are supplemental in nature or do not constitute a 33284
significant portion of the total classroom-based and 33285
nonclassroom-based learning opportunities provided to the 33286
student by the school; 33287

(2) The student's residence is equipped with a computer 33288
available for the student's use. 33289

Sec. 3314.232. ~~The superintendent of public instruction-~~ 33290
department of education and workforce shall establish by rule 33291
adopted in accordance with Chapter 119. of the Revised Code 33292
standards for learning management software to be used by 33293
internet- and computer-based community schools. 33294

Sec. 3314.24. (A) On or after July 1, 2004, no internet- 33295

or computer-based community school shall enter into a contract 33296
with a nonpublic school to use or rent any facility space at the 33297
nonpublic school for the provision of instructional services to 33298
students enrolled in the internet- or computer-based community 33299
school. 33300

(B) If an internet- or computer-based community school has 33301
a contract with a nonpublic school as described in division (A) 33302
of this section, the department of education and workforce shall 33303
not make any payments under section 3317.022 of the Revised Code 33304
to the internet- or computer-based community school for any 33305
student who is enrolled in the internet- or computer-based 33306
community school and receives any instructional services from 33307
the internet- or computer-based community school at the 33308
nonpublic school. 33309

Sec. 3314.26. (A) Each internet- or computer-based 33310
community school shall withdraw from the school any student who, 33311
for two consecutive school years of enrollment in the school, 33312
has failed to participate in the spring administration of any 33313
assessment prescribed under section 3301.0710 or 3301.0712 of 33314
the Revised Code for the student's grade level and was not 33315
excused from the assessment pursuant to division (C) (1) or (3) 33316
of section 3301.0711 of the Revised Code, regardless of whether 33317
a waiver was granted for the student under division (L) (3) of 33318
section 3314.08 of the Revised Code. The school shall report any 33319
such student's data verification code, as assigned pursuant to 33320
section 3301.0714 of the Revised Code, to the department of 33321
education and workforce. The department shall maintain a list of 33322
all data verification codes reported under this division and 33323
section 3313.6410 of the Revised Code and provide that list to 33324
each internet- or computer-based community school and to each 33325
school to which section 3313.6410 of the Revised Code applies. 33326

(B) No internet- or computer-based community school shall 33327
receive any state funds under this chapter for any enrolled 33328
student whose data verification code appears on the list 33329
maintained by the department under division (A) of this section. 33330

Notwithstanding any provision of the Revised Code to the 33331
contrary, the parent of any such student shall pay tuition to 33332
the internet- or computer-based community school in an amount 33333
equal to the state funds the school otherwise would receive for 33334
that student, as determined by the department. An internet- or 33335
computer-based community school may withdraw any student for 33336
whom the parent does not pay tuition as required by this 33337
division. 33338

Sec. 3314.27. No student enrolled in an internet- or 33339
computer-based community school may participate in more than ten 33340
hours of learning opportunities in any period of twenty-four 33341
consecutive hours. Any time such a student participates in 33342
learning opportunities beyond the limit prescribed in this 33343
section shall not count toward the annual minimum number of 33344
hours required to be provided to that student as prescribed in 33345
division (A)(11)(a) of section 3314.03 of the Revised Code. If 33346
any internet- or computer-based community school requires its 33347
students to participate in learning opportunities on the basis 33348
of days rather than hours, one day shall consist of a minimum of 33349
five hours of such participation. 33350

Each internet- or computer-based community school shall 33351
keep an accurate record of each individual student's 33352
participation in learning opportunities each day. The record 33353
shall be kept in such a manner that the information contained 33354
within it easily can be submitted to the department of education 33355
and workforce, upon request by the department or the auditor of 33356

state. 33357

Sec. 3314.271. (A) Each internet- or computer-based 33358
community school shall offer a student orientation course and 33359
shall notify each student who enrolls in that school of that 33360
student's opportunity to participate in the student orientation 33361
course. 33362

(B) The department of education and workforce shall 33363
provide guidance to internet- or computer-based community 33364
schools for developing and delivering the orientation course. 33365

(C) Each internet- or computer-based community school may, 33366
at the time of a particular student's enrollment in that school, 33367
ask the student's parent or guardian to estimate the length of 33368
time the student will attend the school. Any information 33369
collected pursuant to this division shall be included in an 33370
aggregated format in the school's annual report required by 33371
division (A) (11) (g) of section 3314.03 of the Revised Code. 33372

(D) Each internet- or computer-based community school, on 33373
a periodic basis throughout each school year, shall communicate 33374
with each student's parent, guardian, or custodian regarding the 33375
performance and progress of that student. Each internet- or 33376
computer-based community school also shall provide opportunities 33377
for parent-teacher conferences, shall document the school's 33378
requests for such conferences, and may permit students to 33379
participate in the conferences. Parent-teacher conferences may 33380
be conducted through electronic means. 33381

Sec. 3314.28. (A) Each internet- or computer-based 33382
community school established under this chapter shall submit to 33383
the school's sponsor a plan for providing special education and 33384
related services to disabled students enrolled in the school in 33385

accordance with division (A) (1) or (2) of this section. 33386

(1) If the school was established prior to ~~the effective date of this section~~ June 30, 2005, the plan shall be submitted to the sponsor on or before September 1, 2005, and on or before the first day of September in each year thereafter that the school is in operation. 33387
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(2) If the school is established after ~~the effective date of this section~~ June 30, 2005, the plan shall be submitted to the sponsor prior to the school's receipt of its first payment under this chapter and on or before the first day of September in each year thereafter that the school is in operation. 33392
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(B) Within thirty days after receiving the plan prescribed in division (A) of this section, the sponsor of each internet- or computer-based community school shall certify all of the following to the department of education and workforce: 33397
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33399
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(1) A statement of whether the plan received is satisfactory to the sponsor; 33401
33402

(2) If the plan received is not satisfactory to the sponsor, the sponsor's assurance that it will promptly assist the school in developing a plan that is satisfactory to the sponsor; 33403
33404
33405
33406

(3) The sponsor's assurance that it will monitor the implementation of the plan; 33407
33408

(4) The sponsor's assurance that it will take any necessary corrective action to ensure that the school's plan is properly and fully implemented. 33409
33410
33411

(C) The department shall develop guidelines for the content and format of the plan required under this section. 33412
33413

Sec. 3314.29. (A) This section applies to any internet- or 33414
computer-based community school that meets all of the following 33415
conditions: 33416

(1) Serves all of grades kindergarten through twelve; 33417

(2) Has an enrollment of at least two thousand students; 33418

(3) Has a sponsor that was not rated ineffective or poor 33419
on its most recent evaluation under section 3314.016 of the 33420
Revised Code. 33421

(B) Beginning with the 2018-2019 school year, the 33422
governing authority of a community school to which this section 33423
applies may adopt a resolution to divide the school into two or 33424
three separate schools as follows: 33425

(1) If the school is divided into two schools, one school 33426
shall serve grades kindergarten through eight and one school 33427
shall serve grades nine through twelve. 33428

(2) If the school is divided into three schools, one 33429
school shall serve grades kindergarten through five, one school 33430
shall serve grades six through eight, and one school shall serve 33431
grades nine through twelve. 33432

(C) The resolution adopted by the governing authority 33433
shall not be effective unless approved by the school's sponsor. 33434
Following approval of the resolution by the sponsor, and by the 33435
fifteenth day of March prior to the school year in which it will 33436
take effect, the governing authority shall file the resolution 33437
with the department of education and workforce. The division of 33438
the schools shall be effective on the first day of July 33439
succeeding the date the resolution is filed with the department. 33440

(D) All of the following shall apply to each new school 33441

created as a result of the resolution authorized by this section 33442
and to the school that is divided as a result of the resolution: 33443

(1) Each school shall have the same governing authority. 33444

(2) The sponsor and governing authority shall enter into a 33445
separate contract under section 3314.03 of the Revised Code for 33446
each school. 33447

(3) No school shall primarily serve students enrolled in a 33448
dropout prevention and recovery program operated by the school. 33449

(4) No school shall be permitted to divide again under 33450
this section. 33451

(5) Notwithstanding anything to the contrary in division 33452
(B) (2) of section 3314.016 of the Revised Code, each school 33453
shall be included in the calculation of the academic performance 33454
component for purposes of rating the schools' sponsor under the 33455
evaluation system prescribed by that section. 33456

(6) Each school shall be subject to the laws contained in 33457
Chapter 3314. of the Revised Code, except as otherwise specified 33458
in this section. 33459

(E) The department shall issue a report card under section 33460
3314.012 of the Revised Code for each new school created as a 33461
result of the resolution authorized by this section and for the 33462
school that is divided as a result of the resolution. For 33463
purposes of the report cards and other reporting requirements 33464
under this chapter, the department shall assign the school that 33465
serves the highest grades the same internal retrieval number 33466
previously used by the school that is divided under this 33467
section. The department shall assign a new internal retrieval 33468
number to each other school resulting from the division. 33469

Notwithstanding division (B) of section 3314.012 of the Revised Code, the ratings a school receives on its report card for the first two full school years after the division under this section shall count toward closure of the school under section 3314.35 of the Revised Code and any other matter that is based on report card ratings or measures.

Sec. 3314.35. (A) (1) Except as provided in division (A) (4) of this section, this section applies to any community school that meets one of the following criteria after July 1, 2009, but before July 1, 2011:

(a) The school does not offer a grade level higher than three and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four most recent school years.

(b) The school satisfies all of the following conditions:

(i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.

(ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.

(iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department of education and workforce in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code.

(c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for three of the four

most recent school years. 33499

(2) Except as provided in division (A) (4) of this section, 33500
this section applies to any community school that meets one of 33501
the following criteria after July 1, 2011, but before July 1, 33502
2013: 33503

(a) The school does not offer a grade level higher than 33504
three and has been declared to be in a state of academic 33505
emergency under section 3302.03 of the Revised Code for two of 33506
the three most recent school years. 33507

(b) The school satisfies all of the following conditions: 33508

(i) The school offers any of grade levels four to eight 33509
but does not offer a grade level higher than nine. 33510

(ii) The school has been declared to be in a state of 33511
academic emergency under section 3302.03 of the Revised Code for 33512
two of the three most recent school years. 33513

(iii) In at least two of the three most recent school 33514
years, the school showed less than one standard year of academic 33515
growth in either reading or mathematics, as determined by the 33516
department in accordance with rules adopted under division (A) 33517
of section 3302.021 of the Revised Code. 33518

(c) The school offers any of grade levels ten to twelve 33519
and has been declared to be in a state of academic emergency 33520
under section 3302.03 of the Revised Code for two of the three 33521
most recent school years. 33522

(3) Except as provided in division (A) (4) of this section, 33523
this section applies to any community school that meets one of 33524
the following criteria on or after July 1, 2013: 33525

(a) The school does not offer a grade level higher than 33526

three and, for the three most recent school years, satisfies any 33527
of the following criteria: 33528

(i) The school has been declared to be in a state of 33529
academic emergency under section 3302.03 of the Revised Code, as 33530
it existed prior to March 22, 2013; 33531

(ii) The school has received a grade of "F" in improving 33532
literacy in grades kindergarten through three under division (B) 33533
(1) (g) or (C) (1) (g) of section 3302.03 of the Revised Code; 33534

(iii) The school has received a performance rating of one 33535
star for early literacy under division (D) (3) (e) of section 33536
3302.03 of the Revised Code; 33537

(iv) The school has received an overall performance rating 33538
of less than two stars under division (D) (3) of section 3302.03 33539
of the Revised Code; 33540

(v) The school has received an overall grade of "F" under 33541
division (C) of section 3302.03 of the Revised Code. 33542

(b) The school offers any of grade levels four to eight 33543
but does not offer a grade level higher than nine and, for the 33544
three most recent school years, satisfies any of the following 33545
criteria: 33546

(i) The school has been declared to be in a state of 33547
academic emergency under section 3302.03 of the Revised Code, as 33548
it existed prior to March 22, 2013, and the school showed less 33549
than one standard year of academic growth in either reading or 33550
mathematics, as determined by the department in accordance with 33551
rules adopted under division (A) of section 3302.021 of the 33552
Revised Code; 33553

(ii) The school has received a grade of "F" for the 33554

performance index score under division (A) (1) (b), (B) (1) (b), or 33555
(C) (1) (b) and a grade of "F" for the value-added progress 33556
dimension under division (A) (1) (e), (B) (1) (e), or (C) (1) (e) of 33557
section 3302.03 of the Revised Code; 33558

(iii) The school has received a performance rating of one 33559
star for both achievement under division (D) (3) (b) of section 33560
3302.03 of the Revised Code and progress under division (D) (3) 33561
(c) of that section; 33562

(iv) The school has received an overall grade of "F" under 33563
division (C) and a grade of "F" for the value-added progress 33564
dimension under division (C) (1) (e) of section 3302.03 of the 33565
Revised Code; 33566

(v) The school has received an overall performance rating 33567
of less than two stars under division (D) of section 3302.03 of 33568
the Revised Code and a performance rating of one star for 33569
progress under division (D) (3) (c) of that section. 33570

(c) The school offers any of grade levels ten to twelve 33571
and, for the three most recent school years, satisfies any of 33572
the following criteria: 33573

(i) The school has been declared to be in a state of 33574
academic emergency under section 3302.03 of the Revised Code, as 33575
it existed prior to March 22, 2013; 33576

(ii) The school has received a grade of "F" for the 33577
performance index score under division (A) (1) (b), (B) (1) (b), or 33578
(C) (1) (b) and has not met annual measurable objectives under 33579
division (A) (1) (a), (B) (1) (a), or (C) (1) (a) of section 3302.03 33580
of the Revised Code; 33581

(iii) The school has received a performance rating of "one 33582
star" for achievement under division (D) (3) (b) of section 33583

3302.03 of the Revised Code and has not met annual measurable objectives for gap closing under division (D) (3) (a) of that section, as determined by the department;

(iv) The school has received an overall grade of "F" under division (C) and a grade of "F" for the value-added progress dimension under division (C) (1) (e) of section 3302.03 of the Revised Code;

(v) The school has received an overall performance rating of less than two stars under division (D) of section 3302.03 of the Revised Code and a performance rating of one star for progress under division (D) (1) (b) of that section.

For purposes of division (A) (3) of this section only, the department ~~of education~~ shall calculate the value-added progress dimension for a community school using assessment scores for only those students to whom the school has administered the achievement assessments prescribed by section 3301.0710 of the Revised Code for at least the two most recent school years but using value-added data from only the most recent school year.

(4) This section does not apply to either of the following:

(a) Any community school in which a majority of the students are enrolled in a dropout prevention and recovery program that is operated by the school. Rather, such schools shall be subject to closure only as provided in section 3314.351 of the Revised Code. However, prior to July 1, 2014, a community school in which a majority of the students are enrolled in a dropout prevention and recovery program shall be exempt from this section only if it has been granted a waiver under section 3314.36 of the Revised Code.

(b) Any community school in which a majority of the
enrolled students are children with disabilities receiving
special education and related services in accordance with
Chapter 3323. of the Revised Code.

(B) Any community school to which this section applies
shall permanently close at the conclusion of the school year in
which the school first becomes subject to this section. The
sponsor and governing authority of the school shall comply with
all procedures for closing a community school adopted by the
department under division (E) of section 3314.015 of the Revised
Code. The governing authority of the school shall not enter into
a contract with any other sponsor under section 3314.03 of the
Revised Code after the school closes.

(C) In accordance with division (B) of section 3314.012 of
the Revised Code, the department shall not consider the
performance ratings assigned to a community school for its first
two years of operation when determining whether the school meets
the criteria prescribed by division (A)(1) or (2) of this
section.

(D) Nothing in this section or in any other provision of
the Revised Code prohibits the sponsor of a community school
from exercising its option not to renew a contract for any
reason or from terminating a contract prior to its expiration
for any of the reasons set forth in section 3314.07 of the
Revised Code.

Sec. 3314.351. (A) This section applies to any community
school in which a majority of the students are enrolled in a
dropout prevention and recovery program. Except as provided in
division (F) of this section, any such community school that has
received a designation of "does not meet standards," as

described in division (D) (1) of section 3314.017 of the Revised Code on the report card issued under that section, for the three most recent school years shall be subject to closure in accordance with this section.

(B) Not later than the first day of September in each school year, the department of education and workforce shall notify each school subject to closure under this section that the school must close not later than the thirtieth day of the following June.

A school so notified shall close as required.

(C) A school that opens on or after July 1, 2014, shall not be subject to closure under this section for its first two years of operation. A school that is in operation prior to July 1, 2014, shall not be subject to closure under this section until after August 31, 2016.

(D) The sponsor and governing authority of the school shall comply with all procedures for closing a community school adopted by the department under division (E) of section 3314.015 of the Revised Code. The governing authority of the school shall not enter into a contract with any other sponsor under section 3314.03 of the Revised Code after the school closes.

(E) Nothing in this section or in any other provision of the Revised Code prohibits the sponsor of a community school from exercising its option not to renew a contract for any reason or from terminating a contract prior to its expiration for any of the reasons set forth in section 3314.07 of the Revised Code.

(F) Beginning in the 2019-2020 school year, no school shall be subject to closure under this section based on the

report card issued for that school for the 2017-2018 or 2018-
2019 school year if the school received an overall rating of
"meets standards" or "exceeds standards" for the 2017-2018 or
2018-2019 school year pursuant to division (I) of section
3314.017 of the Revised Code. However, no school permanently
closed under this section prior to the 2019-2020 school year
shall be eligible to reopen based on the calculated or
recalculated ratings under division (I) of section 3314.017 of
the Revised Code.

Sec. 3314.353. Each year, the department of education and
workforce shall publish separate lists of the following:

(A) Community schools that have become subject to
permanent closure under section 3314.35 or 3314.351 of the
Revised Code;

(B) Community schools that are at risk of becoming subject
to permanent closure under section 3314.35 or 3314.351 of the
Revised Code if their academic performance, as prescribed in
those sections, does not improve on the next state report cards
issued under section 3302.03 or 3314.017 of the Revised Code.

~~On and after the effective date of this amendment, the~~ The
department of education and workforce shall not adopt any rules,
enforce any procedures or policies, or otherwise restrict the
establishment or sponsorship of a new start-up community school
based upon whether the school's proposed location is in a
challenged school district.

Sec. 3314.354. Not later than the thirty-first day of July
of each year, the department of education and workforce shall
submit preliminary data on community schools at risk of becoming
subject to permanent closure under section 3314.35 or 3314.351

of the Revised Code. 33701

Sec. 3314.36. (A) Section 3314.35 of the Revised Code does 33702
not apply to any community school in which a majority of the 33703
students are enrolled in a dropout prevention and recovery 33704
program that is operated by the school and that has been granted 33705
a waiver by the former department of education prior to July 1, 33706
2014. ~~Until June 30, 2014, the department shall grant a waiver~~ 33707
~~to a dropout prevention and recovery program, within sixty days~~ 33708
~~after the program applies for the waiver, if the program meets~~ 33709
~~all of the following conditions:~~ 33710

~~(1) The program serves only students not younger than~~ 33711
~~sixteen years of age and not older than twenty one years of age.~~ 33712

~~(2) The program enrolls students who, at the time of their~~ 33713
~~initial enrollment, either, or both, are at least one grade~~ 33714
~~level behind their cohort age groups or experience crises that~~ 33715
~~significantly interfere with their academic progress such that~~ 33716
~~they are prevented from continuing their traditional programs.~~ 33717

~~(3) The program requires students to attain at least the~~ 33718
~~applicable score designated for each of the assessments~~ 33719
~~prescribed under division (B) (1) of section 3301.0710 of the~~ 33720
~~Revised Code or, to the extent prescribed by rule of the state~~ 33721
~~board of education under division (D) (5) of section 3301.0712 of~~ 33722
~~the Revised Code, division (B) (2) of that section.~~ 33723

~~(4) The program develops an individual career plan for the~~ 33724
~~student that specifies the student's matriculating to a two year~~ 33725
~~degree program, acquiring a business and industry credential, or~~ 33726
~~entering an apprenticeship.~~ 33727

~~(5) The program provides counseling and support for the~~ 33728
~~student related to the plan developed under division (A) (4) of~~ 33729

~~this section during the remainder of the student's high school experience.~~ 33730
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~~(6) Prior to receiving the waiver, the program has submitted to the department an instructional plan that demonstrates how the academic content standards adopted by the state board of education under section 3301.079 of the Revised Code will be taught and assessed.~~ 33732
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~~If the department does not act either to grant the waiver or to reject the program application for the waiver within sixty days as required under this section, the waiver shall be considered to be granted.~~ 33737
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~~(B) Notwithstanding division (A) of this section, the department shall not grant a waiver to any community school that did not qualify for a waiver under this section when it initially began operations, unless the state board of education approves the waiver.~~ 33741
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~~(C) Beginning on July 1, 2014, all All community schools in which a majority of the students are enrolled in a dropout prevention and recovery program are subject to the provisions of section 3314.351 of the Revised Code, regardless of whether a waiver has been granted under this section prior to July 1, 2014. Thereafter, no waivers shall be granted under this section.~~ 33746
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Sec. 3314.38. (A) An individual who is at least twenty-two years of age and who is an eligible individual as defined in section 3317.23 of the Revised Code may enroll for up to two consecutive school years in a dropout prevention and recovery program operated by a community school that is designed to allow enrollees to earn a high school diploma. An individual enrolled 33753
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under this division may elect to satisfy the requirements to 33759
earn a high school diploma by successfully completing a 33760
competency-based educational program, as defined in section 33761
3317.23 of the Revised Code, that complies with the standards 33762
adopted by the department of education and workforce under 33763
section 3317.231 of the Revised Code. The community school shall 33764
report that individual's enrollment on a full-time equivalency 33765
basis to the department. This report shall be in addition to the 33766
report required under division (B) of section 3314.08 of the 33767
Revised Code. An individual enrolled under this division shall 33768
not be assigned to classes or settings with students who are 33769
younger than eighteen years of age. 33770

(B) (1) For each community school that enrolls individuals 33771
under division (A) of this section, the department annually 33772
shall certify the enrollment and attendance, on a full-time 33773
equivalency basis, of each individual reported by the school 33774
under that division. 33775

(2) For each individual enrolled in a community school 33776
under division (A) of this section, the department annually 33777
shall pay the community school up to \$5,000, as determined by 33778
the department based on the extent of the individual's 33779
successful completion of the graduation requirements prescribed 33780
under division (A) (11) (f) of section 3314.03 of the Revised 33781
Code. 33782

(C) A community school that enrolls individuals under 33783
division (A) of this section shall be subject to the program 33784
administration standards adopted by the department under section 33785
3317.231 of the Revised Code, as applicable. 33786

Sec. 3314.50. No community school shall initiate 33787
operation, on or after the effective date of this amendment, 33788

unless the governing authority of the school has posted a bond 33789
in the amount of fifty thousand dollars with the auditor of 33790
state. The bond shall be used, in the event the school closes, 33791
to pay the auditor of state any moneys owed or that become owed 33792
by the school for the costs of audits conducted by the auditor 33793
of state or a public accountant under Chapter 117. of the 33794
Revised Code. 33795

The department of education and workforce shall notify the 33796
auditor of state of the proposed initiation of operations of any 33797
community school and shall provide the auditor of state with the 33798
certification of the sponsor of the community school of the 33799
compliance by the community school with all legal preconditions 33800
to the initiation of its operations, including compliance with 33801
this section. 33802

In lieu of the bond, the governing authority of the 33803
school, the school's sponsor, or an operator that has a contract 33804
with the school may deposit with the auditor of state cash in 33805
the amount of fifty thousand dollars as guarantee of payment 33806
under the provisions of this section. In lieu of a bond or a 33807
cash deposit, the school's sponsor or an operator that has a 33808
contract with the school may provide a written guarantee of 33809
payment, which shall obligate the school's sponsor or the 33810
operator that provides the written guarantee to pay the cost of 33811
audits of the school under this section up to the amount of 33812
fifty thousand dollars. Any such written guarantee shall be 33813
binding upon any successor entity that enters into a contract to 33814
sponsor or to operate the school, and any such entity, as a 33815
condition of its undertaking shall acknowledge and accept such 33816
obligation. 33817

In the event that a sponsor or operator has provided a 33818

written guarantee under this section, and, subsequent to the 33819
provision of the guarantee, the governing authority of the 33820
school posts a bond under this section, or the governing 33821
authority of the school, a sponsor, or an operator provides a 33822
cash deposit of fifty thousand dollars as required, the written 33823
guarantee shall cease to be of further effect. 33824

As soon as it is practicable to do so after the filing of 33825
a bond or the deposit of cash, the auditor of state shall 33826
deliver the bond or cash to the treasurer of state, who shall 33827
hold it in trust for the purposes prescribed in this section. 33828
The treasurer of state shall be responsible for the safekeeping 33829
of all bonds filed or cash deposited under this section. The 33830
auditor of state shall notify the ~~department of education~~ when 33831
the school's governing authority has filed the bond, deposited 33832
the cash guarantee, or submitted a written guarantee of payment. 33833

When the auditor of state conducts an audit of a community 33834
school that has closed and is subject to the requirements of 33835
this section, the auditor of state shall certify the amount of 33836
forfeiture to the treasurer of state, who shall assess the bond 33837
for the costs of the audit or shall pay money from the named 33838
insurer or from the school's cash deposit for the costs of the 33839
audit to reimburse the auditor of state or public accountant for 33840
costs incurred in conducting audits of the school. 33841

To the extent that the amount of the bond or the cash 33842
deposit is not needed to cover audit costs, the bond shall be of 33843
no further effect, and any cash balance shall be refunded by the 33844
treasurer of state to the entity which provided the bond. When 33845
the auditor of state conducts an audit of a community school 33846
that has closed and is subject to the requirements of this 33847
section, and, as to which, a written guarantee has been given 33848

under this section, the entity that provided the guarantee shall 33849
be solely and fully liable for any such audit costs, and shall 33850
promptly pay the costs of the audit up to fifty thousand 33851
dollars. 33852

No community school that is subject to the provisions of 33853
this section shall maintain or continue its operations absent 33854
the ongoing provision of a bond, a cash deposit, or a written 33855
guarantee as required by this section. 33856

Sec. 3314.51. (A) If the auditor of state or a public 33857
accountant, under section 117.41 of the Revised Code, declares a 33858
community school to be unauditabile, the auditor of state shall 33859
provide written notification of that declaration to the school, 33860
the school's sponsor, and the department of education and 33861
workforce. The auditor of state also shall post the notification 33862
on the auditor of state's web site. 33863

(B) If the community school's current fiscal officer held 33864
that position during the period for which the school is 33865
unauditabile, upon receipt of the notification under division (A) 33866
of this section, the governing authority of the school shall 33867
suspend the fiscal officer until the auditor of state or a 33868
public accountant has completed an audit of the school, except 33869
that if the school has an operator and the operator employs the 33870
fiscal officer, the operator shall suspend the fiscal officer 33871
for that period. Suspension of the fiscal officer may be with or 33872
without pay, as determined by the entity imposing the suspension 33873
based on the circumstances that prompted the auditor of state's 33874
declaration. The entity imposing the suspension shall appoint a 33875
person to assume the duties of the fiscal officer during the 33876
period of the suspension. If the appointee is not licensed as a 33877
treasurer under section 3301.074 of the Revised Code, the 33878

appointee shall be approved by the ~~superintendent of public~~ 33879
~~instruction director of education and workforce~~ before assuming 33880
the duties of the fiscal officer. The state board of education 33881
may take action under section 3319.31 of the Revised Code to 33882
suspend, revoke, or limit the license of a fiscal officer who 33883
has been suspended under this division. 33884

(C) Notwithstanding any provision to the contrary in this 33885
chapter or in any other provision of law, the sponsor of the 33886
community school shall not enter into contracts with any 33887
additional community schools under section 3314.03 of the 33888
Revised Code between ninety days after the date of the 33889
declaration under division (A) of this section and the date the 33890
auditor of state or a public accountant has completed a 33891
financial audit of the school. 33892

(D) Not later than forty-five days after receiving the 33893
notification under division (A) of this section, the sponsor of 33894
the community school shall provide a written response to the 33895
auditor of state. The sponsor shall provide a copy of the 33896
response to the community school. The response shall include the 33897
following: 33898

(1) An overview of the process the sponsor will use to 33899
review and understand the circumstances that led to the 33900
community school becoming unauditabile; 33901

(2) A plan for providing the auditor of state with the 33902
documentation necessary to complete an audit of the community 33903
school and for ensuring that all financial documents are 33904
available in the future; 33905

(3) The actions the sponsor will take to ensure that the 33906
plan described in division (D) (2) of this section is 33907

implemented. 33908

(E) If the community school fails to make reasonable 33909
efforts and continuing progress to bring its accounts, records, 33910
files, or reports into an auditable condition within ninety days 33911
after being declared unauditabile, the auditor of state, in 33912
addition to requesting legal action under sections 117.41 and 33913
117.42 of the Revised Code, shall notify the school's sponsor 33914
and the department of the school's failure. If the auditor of 33915
state or a public accountant subsequently is able to complete a 33916
financial audit of the school, the auditor of state shall notify 33917
the school's sponsor and the department that the audit has been 33918
completed. 33919

(F) Notwithstanding any provision to the contrary in this 33920
chapter or in any other provision of law, upon notification by 33921
the auditor of state under division (E) of this section that the 33922
community school has failed to make reasonable efforts and 33923
continuing progress to bring its accounts, records, files, or 33924
reports into an auditable condition, the department shall 33925
immediately cease all payments to the school under this chapter 33926
and any other provision of law. Upon subsequent notification 33927
from the auditor of state under that division that the auditor 33928
of state or a public accountant was able to complete a financial 33929
audit of the community school, the department shall release all 33930
funds withheld from the school under this section. 33931

Sec. 3315.18. (A) The board of education of each city, 33932
exempted village, local, and joint vocational school district 33933
shall establish a capital and maintenance fund. Each board 33934
annually shall deposit into that fund an amount derived from 33935
revenues received by the district that would otherwise have been 33936
deposited in the general fund that is equal to three per cent of 33937

the statewide average base cost per pupil for the preceding 33938
fiscal year, as defined in section 3317.02 of the Revised Code, 33939
or another percentage if established by the auditor of state 33940
under division (B) of this section, multiplied by the district's 33941
student population for the preceding fiscal year, except that 33942
money received from a permanent improvement levy authorized by 33943
section 5705.21 of the Revised Code may replace general revenue 33944
moneys in meeting the requirements of this section. Money in the 33945
fund shall be used solely for acquisition, replacement, 33946
enhancement, maintenance, or repair of permanent improvements, 33947
as that term is defined in section 5705.01 of the Revised Code. 33948
Any money in the fund that is not used in any fiscal year shall 33949
carry forward to the next fiscal year. 33950

(B) ~~The state superintendent of public instruction~~ 33951
director of education and workforce and the auditor of state 33952
jointly shall adopt rules in accordance with Chapter 119. of the 33953
Revised Code defining what constitutes expenditures permitted by 33954
division (A) of this section. The auditor of state may designate 33955
a percentage, other than three per cent, of the statewide 33956
average base cost per pupil multiplied by the district's student 33957
population that must be deposited into the fund. 33958

(C) Within its capital and maintenance fund, a school 33959
district board of education may establish a separate account 33960
solely for the purpose of depositing funds transferred from the 33961
district's reserve balance account established under former 33962
division (H) of section 5705.29 of the Revised Code. After April 33963
10, 2001, a board may deposit all or part of the funds formerly 33964
included in such reserve balance account in the separate account 33965
established under this section. Funds deposited in this separate 33966
account and interest on such funds shall be utilized solely for 33967
the purpose of providing the district's portion of the basic 33968

project costs of any project undertaken in accordance with 33969
Chapter 3318. of the Revised Code. 33970

(D) (1) Notwithstanding division (A) of this section, in 33971
any year a district is in fiscal emergency status as declared 33972
pursuant to section 3316.03 of the Revised Code, the district 33973
may deposit an amount less than required by division (A) of this 33974
section, or make no deposit, into the district capital and 33975
maintenance fund for that year. 33976

(2) Notwithstanding division (A) of this section, in any 33977
fiscal year that a school district is either in fiscal watch 33978
status, as declared pursuant to section 3316.03 of the Revised 33979
Code, or in fiscal caution status, as declared pursuant to 33980
section 3316.031 of the Revised Code, the district may apply to 33981
the ~~superintendent of public instruction~~ director of education 33982
and workforce for a waiver from the requirements of division (A) 33983
of this section, under which the district may be permitted to 33984
deposit an amount less than required by that division or 33985
permitted to make no deposit into the district capital and 33986
maintenance fund for that year. The ~~superintendent~~ director may 33987
grant a waiver under division (D) (2) of this section if the 33988
district demonstrates to the satisfaction of the ~~superintendent~~ 33989
director that compliance with division (A) of this section that 33990
year will create an undue financial hardship on the district. 33991

(3) Notwithstanding division (A) of this section, not more 33992
often than one fiscal year in every three consecutive fiscal 33993
years, any school district that does not satisfy the conditions 33994
for the exemption described in division (D) (1) of this section 33995
or the conditions to apply for the waiver described in division 33996
(D) (2) of this section may apply to the ~~superintendent of public~~ 33997
~~instruction~~ director for a waiver from the requirements of 33998

division (A) of this section, under which the district may be 33999
permitted to deposit an amount less than required by that 34000
division or permitted to make no deposit into the district 34001
capital and maintenance fund for that year. The ~~superintendent-~~ 34002
director may grant a waiver under division (D)(3) of this 34003
section if the district demonstrates to the satisfaction of the 34004
~~superintendent-~~director that compliance with division (A) of 34005
this section that year will necessitate the reduction or 34006
elimination of a program currently offered by the district that 34007
is critical to the academic success of students of the district 34008
and that no reasonable alternatives exist for spending 34009
reductions in other areas of operation within the district that 34010
negate the necessity of the reduction or elimination of that 34011
program. 34012

(E) Notwithstanding any provision to the contrary in 34013
Chapter 4117. of the Revised Code, the requirements of this 34014
section prevail over any conflicting provisions of agreements 34015
between employee organizations and public employers entered into 34016
after November 21, 1997. 34017

(F) As used in this section, "student population" means 34018
the average, daily, full-time equivalent number of students in 34019
kindergarten through twelfth grade receiving any educational 34020
services from the school district during the first full school 34021
week in October, excluding students enrolled in adult education 34022
classes, but including all of the following: 34023

(1) Adjacent or other district students enrolled in the 34024
district under an open enrollment policy pursuant to section 34025
3313.98 of the Revised Code; 34026

(2) Students receiving services in the district pursuant 34027
to a compact, cooperative education agreement, or a contract, 34028

but who are entitled to attend school in another district 34029
pursuant to section 3313.64 or 3313.65 of the Revised Code; 34030

(3) Students for whom tuition is payable pursuant to 34031
sections 3317.081 and 3323.141 of the Revised Code. 34032

The department of education and workforce shall determine 34033
a district's student population using data reported to it under 34034
section 3317.03 of the Revised Code for the applicable fiscal 34035
year. 34036

Sec. 3315.181. As used in this section, "securities" has 34037
the same meaning as in section 133.01 of the Revised Code. 34038

Notwithstanding division (A) of section 3315.18 of the 34039
Revised Code, the board of education of a city, exempted 34040
village, local, or joint vocational school district, in meeting 34041
the amount required by that division to be deposited in the 34042
district's capital and maintenance fund, may replace general 34043
fund revenues with proceeds received from a permanent 34044
improvement levy authorized by section 5705.21 of the Revised 34045
Code only to the extent the proceeds are available to be used 34046
for the acquisition, replacement, enhancement, maintenance, or 34047
repair of permanent improvements as defined in section 5705.01 34048
of the Revised Code. In addition, the board may replace general 34049
fund revenues with proceeds received from any of the following 34050
sources in meeting the amount required by that division to be 34051
deposited in the fund: 34052

(A) Proceeds received from any securities whose use is 34053
limited to the acquisition, replacement, enhancement, 34054
maintenance, or repair of permanent improvements; 34055

(B) Insurance proceeds received as a result of the damage 34056
to or theft or destruction of a permanent improvement to the 34057

extent a board of education places the proceeds in a separate 34058
fund for the acquisition, replacement, enhancement, maintenance, 34059
or repair of permanent improvements; 34060

(C) Proceeds received from the sale of a permanent 34061
improvement to the extent the proceeds are paid into a separate 34062
fund for the construction or acquisition of permanent 34063
improvements; 34064

(D) Proceeds received from a tax levy authorized by 34065
section 3318.06 of the Revised Code to the extent the proceeds 34066
are available to be used for the maintenance of capital 34067
facilities; 34068

(E) Proceeds of certificates of participation issued as 34069
part of a lease-purchase agreement entered into under section 34070
3313.375 of the Revised Code; 34071

(F) Proceeds of any school district income tax levied 34072
under Chapter 5748. of the Revised Code for permanent 34073
improvements, to the extent the proceeds are available for the 34074
acquisition, replacement, enhancement, maintenance, or repair of 34075
permanent improvements; 34076

(G) Any other revenue source identified by the auditor of 34077
state, in consultation with the department of education and 34078
workforce, in rules adopted by the auditor of state. 34079

Sec. 3315.33. There is hereby established a fund to be 34080
known as the Ohio scholarship fund for teacher trainees for the 34081
public purpose of relieving the existing teacher shortage in 34082
public schools, to be administered and expended as prescribed in 34083
sections 3315.33 to 3315.35 of the Revised Code. Appropriations 34084
by the general assembly for the purpose of scholarships for 34085
teacher trainees shall be paid into this fund. 34086

Each scholarship for a teacher trainee shall have a 34087
maximum value of five hundred dollars annually and shall be 34088
awarded as follows: 34089

(A) The ~~state board~~ department of education and workforce 34090
shall prescribe standards and requirements which shall be met by 34091
persons who are eligible for such scholarships. Scholarships 34092
shall be allocated among the counties of the state on an 34093
equitable basis by the ~~state board of education~~ department, 34094
provided that not less than three such scholarships shall be 34095
available annually to residents of each county of the state. If, 34096
on the first day of September in each year, the ~~state board of~~ 34097
~~education~~ department finds that the number of eligible persons 34098
recommended from any county is less than the number of 34099
scholarships allocated to that county, it may reallocate the 34100
remaining scholarships among the counties in which the number of 34101
eligible persons exceeds the number of scholarships allocated. 34102
Such reallocation as may affect a county in one year shall not 34103
prejudice in any way the allocation to it in succeeding years. 34104

(B) In accordance with the requirements of sections 34105
3315.33, 3315.34, and 3315.35 of the Revised Code, the 34106
educational service center superintendent in each educational 34107
service center as committee chairperson shall appoint a 34108
committee consisting of one high school principal, one 34109
elementary school principal, and one classroom teacher. This 34110
committee shall select and recommend, on the basis of merit, a 34111
number of high school graduates, not to exceed the number 34112
allocated to each county by the ~~state board of education~~ 34113
department, who are interested in teaching and whose work and 34114
qualifications are such as to indicate that they possess the 34115
qualities which should be possessed by a successful teacher. 34116
Such persons shall not have previously been enrolled in any 34117

college of education or have majored in education in any college 34118
or university. Such other college training shall be considered 34119
in determining such person's qualifications to become a 34120
successful teacher. 34121

(C) The scholarship fund for teacher trainees shall be 34122
disbursed to scholarship holders upon their application as 34123
approved by the ~~state board of education~~ department upon 34124
vouchers for that purpose. Such scholarships shall be paid in 34125
equal installments at the beginning of each quarter or semester 34126
while college is in session to each person who has been awarded 34127
such a scholarship when the following requirements are met: 34128

(1) Such person shall be a bona fide student in the 34129
college of education or department of teacher training in an 34130
Ohio institution of higher learning. 34131

(2) Such person shall pursue a course of study in 34132
elementary education in said college of education or department 34133
of teacher training approved by the ~~state board of education~~ 34134
department of education and workforce. 34135

Sec. 3315.34. Each person who receives a scholarship shall 34136
execute a promissory note which shall be endorsed by some 34137
responsible citizen, and shall deliver said note to the ~~state~~ 34138
~~board~~ department of education and workforce or to its 34139
representative. Each such note shall be made payable to the 34140
treasurer of state for the amount of the quarterly or semi- 34141
annual payment, and shall bear interest at the rate of five per 34142
cent per annum from the date of the note. The ~~state board of~~ 34143
~~education~~ department shall hold said note until it has been paid 34144
or cancelled as prescribed in section 3315.35 of the Revised 34145
Code. 34146

Each person awarded a scholarship under the terms of 34147
sections 3315.33 to 3315.35 of the Revised Code shall be 34148
eligible upon the completion of satisfactory work during the 34149
first year, under rules and regulations promulgated by the ~~state~~ 34150
~~board of education~~ department, to have the scholarship renewed 34151
for a period not to exceed one additional year. 34152

Sec. 3315.35. At the expiration of each school year of 34153
service as a teacher in the public schools of Ohio by a person 34154
who has benefited from a scholarship granted under sections 34155
3315.33 to 3315.35 of the Revised Code, such person shall submit 34156
to the ~~state board~~ department of education and workforce a 34157
statement of service on a form provided for that purpose and 34158
certified by the superintendent of the school district in which 34159
the person has taught. Upon receipt of such statement in proper 34160
form, the board shall cancel the oldest notes given by such 34161
person covering the scholarship for one year and the interest 34162
accrued thereon. If for any reason a recipient of a scholarship 34163
ceases or, after licensure, fails to teach in the public schools 34164
of Ohio, except for death or total disability, or fails to file 34165
with the board by July first of each year a statement concerning 34166
the recipient's previous year's employment and address for the 34167
ensuing year, any and all unpaid or uncanceled notes and 34168
interest thereon shall become due and payable and the board 34169
shall transmit all such notes promptly to the treasurer of state 34170
and the treasurer of state shall enforce collection of the 34171
principal amount of any uncanceled or unpaid notes held by the 34172
treasurer of state and the interest thereon and shall deposit 34173
said sums so collected in the general revenue fund. 34174

Sec. 3316.03. (A) The existence of a fiscal watch shall be 34175
declared by the auditor of state. The auditor of state may make 34176
a determination on the auditor of state's initiative, or upon 34177

receipt of a written request for such a determination, which may 34178
be filed by the governor, the ~~superintendent of public~~ 34179
~~instruction~~director of education and workforce, or a majority of 34180
the members of the board of education of the school district. 34181

(1) The auditor of state shall declare a school district 34182
to be in a state of fiscal watch if the auditor of state 34183
determines that both of the following conditions are satisfied 34184
with respect to the school district: 34185

(a) An operating deficit has been certified for the 34186
current fiscal year by the auditor of state, and the certified 34187
operating deficit exceeds eight per cent of the school 34188
district's general fund revenue for the preceding fiscal year; 34189

(b) A majority of the voting electors have not voted in 34190
favor of levying a tax under section 5705.194, 5705.199, or 34191
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34192
state expects will raise enough additional revenue in the next 34193
succeeding fiscal year that division (A) (1) (a) of this section 34194
will not apply to the district in such next succeeding fiscal 34195
year. 34196

(2) The auditor of state shall declare a school district 34197
to be in a state of fiscal watch if the auditor of state 34198
determines that the school district has outstanding securities 34199
issued under division (A) (4) of section 3316.06 of the Revised 34200
Code, and its financial planning and supervision commission has 34201
been terminated under section 3316.16 of the Revised Code. 34202

(3) The auditor of state shall declare a school district 34203
to be in a state of fiscal watch if both of the following 34204
conditions are satisfied: 34205

(a) The ~~superintendent of public instruction~~director has 34206

reported to the auditor of state that the ~~superintendent~~ 34207
director has declared the district under section 3316.031 of the 34208
Revised Code to be under a fiscal caution, has found that the 34209
district has not acted reasonably to eliminate or correct 34210
practices or conditions that prompted the declaration, and has 34211
determined the declaration of a state of fiscal watch necessary 34212
to prevent further fiscal decline; 34213

(b) The auditor of state determines that the decision of 34214
the ~~superintendent~~ director is reasonable. 34215

If the auditor of state determines that the decision of 34216
the ~~superintendent~~ director is not reasonable, the auditor of 34217
state shall provide the ~~superintendent~~ director with a written 34218
explanation of that determination. 34219

(4) The auditor of state may declare a school district to 34220
be in a state of fiscal watch if all of the following conditions 34221
are satisfied: 34222

(a) An operating deficit has been certified for the 34223
current fiscal year by the auditor of state, and the certified 34224
operating deficit exceeds two per cent, but does not exceed 34225
eight per cent, of the school district's general fund revenue 34226
for the preceding fiscal year; 34227

(b) A majority of the voting electors have not voted in 34228
favor of levying a tax under section 5705.194, 5705.199, or 34229
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34230
state expects will raise enough additional revenue in the next 34231
succeeding fiscal year that division (A) (4) (a) of this section 34232
will not apply to the district in the next succeeding fiscal 34233
year; 34234

(c) The auditor of state determines that there is no 34235

reasonable cause for the deficit or that the declaration of 34236
fiscal watch is necessary to prevent further fiscal decline in 34237
the district. 34238

(B) (1) The auditor of state shall issue an order declaring 34239
a school district to be in a state of fiscal emergency if the 34240
auditor of state determines that both of the following 34241
conditions are satisfied with respect to the school district: 34242

(a) An operating deficit has been certified for the 34243
current fiscal year by the auditor of state, and the certified 34244
operating deficit exceeds fifteen per cent of the school 34245
district's general fund revenue for the preceding fiscal year. 34246

(b) A majority of the voting electors have not voted in 34247
favor of levying a tax under section 5705.194, 5705.199, or 34248
5705.21 or Chapter 5748. of the Revised Code that the auditor of 34249
state expects will raise enough additional revenue in the next 34250
succeeding fiscal year that division (B) (1) (a) of this section 34251
will not apply to the district in such next succeeding fiscal 34252
year. 34253

(2) The auditor of state shall issue an order declaring a 34254
school district to be in a state of fiscal emergency if the 34255
school district board fails, pursuant to section 3316.04 of the 34256
Revised Code, to submit a plan acceptable to the ~~state~~ 34257
~~superintendent of public instruction~~ director of education and 34258
workforce within one hundred twenty days of the auditor of 34259
state's declaration under division (A) of this section or an 34260
updated plan when one is required by division (C) of section 34261
3316.04 of the Revised Code; 34262

(3) The auditor of state shall issue an order declaring a 34263
school district to be in a state of fiscal emergency if both of 34264

the following conditions are satisfied: 34265

(a) The ~~superintendent of public instruction~~ director has 34266
reported to the auditor of state that the district is not 34267
materially complying with the provisions of an original or 34268
updated plan as approved by the ~~state superintendent~~ director 34269
under section 3316.04 of the Revised Code, and that the ~~state-~~ 34270
~~superintendent~~ director has determined the declaration of a 34271
state of fiscal emergency necessary to prevent further fiscal 34272
decline; 34273

(b) The auditor of state finds that the determination of 34274
the ~~superintendent~~ director is reasonable. 34275

If the auditor of state determines that the decision of 34276
the ~~superintendent~~ director is not reasonable, the auditor of 34277
state shall provide the ~~superintendent~~ director a written 34278
explanation of that determination. 34279

(4) The auditor of state shall issue an order declaring a 34280
school district to be in a state of fiscal emergency if a 34281
declaration of fiscal emergency is required by division (D) of 34282
section 3316.04 of the Revised Code. 34283

(5) The auditor of state may issue an order declaring a 34284
school district to be in a state of fiscal emergency if all of 34285
the following conditions are satisfied: 34286

(a) An operating deficit has been certified for the 34287
current fiscal year by the auditor of state, and the certified 34288
operating deficit exceeds ten per cent, but does not exceed 34289
fifteen per cent, of the school district's general fund revenue 34290
for the preceding fiscal year; 34291

(b) A majority of the voting electors have not voted in 34292
favor of levying a tax under section 5705.194, 5705.199, or 34293

5705.21 or Chapter 5748. of the Revised Code that the auditor of state expects will raise enough additional revenue in the next succeeding fiscal year that division (B) (5) (a) of this section will not apply to the district in the next succeeding fiscal year; 34294
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(c) The auditor of state determines that a declaration of fiscal emergency is necessary to correct the district's fiscal problems and to prevent further fiscal decline. 34299
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(C) In making the determinations under this section, the auditor of state may use financial reports required under section 117.43 of the Revised Code; tax budgets, certificates of estimated resources and amendments thereof, annual appropriating measures and spending plans, and any other documents or information prepared pursuant to Chapter 5705. of the Revised Code; and any other documents, records, or information available to the auditor of state that indicate the conditions described in divisions (A) and (B) of this section. 34302
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(D) The auditor of state shall certify the action taken under division (A) or (B) of this section to the board of education of the school district, the director of budget and management, the mayor or county auditor who could be required to act pursuant to division (B) (1) of section 3316.05 of the Revised Code, and to the ~~superintendent of public instruction~~ director of education and workforce. 34311
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(E) A determination by the auditor of state under this section that a fiscal emergency condition does not exist is final and conclusive and not appealable. A determination by the auditor of state under this section that a fiscal emergency exists is final, except that the board of education of the school district affected by such a determination may appeal the 34318
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determination of the existence of a fiscal emergency condition 34324
to the court of appeals having territorial jurisdiction over the 34325
school district. The appeal shall be heard expeditiously by the 34326
court of appeals and for good cause shown shall take precedence 34327
over all other civil matters except earlier matters of the same 34328
character. Notice of such appeal must be filed with the auditor 34329
of state and such court within thirty days after certification 34330
by the auditor of state to the board of education of the school 34331
district provided for in division (D) of this section. In such 34332
appeal, determinations of the auditor of state shall be presumed 34333
to be valid and the board of education shall have the burden of 34334
proving, by clear and convincing evidence, that each of the 34335
determinations made by the auditor of state as to the existence 34336
of a fiscal emergency condition under this section was in error. 34337
If the board of education fails, upon presentation of its case, 34338
to prove by clear and convincing evidence that each such 34339
determination by the auditor of state was in error, the court 34340
shall dismiss the appeal. The board of education and the auditor 34341
of state may introduce any evidence relevant to the existence or 34342
nonexistence of such fiscal emergency conditions. The pendency 34343
of any such appeal shall not affect or impede the operations of 34344
this chapter; no restraining order, temporary injunction, or 34345
other similar restraint upon actions consistent with this 34346
chapter shall be imposed by the court or any court pending 34347
determination of such appeal; and all things may be done under 34348
this chapter that may be done regardless of the pendency of any 34349
such appeal. Any action taken or contract executed pursuant to 34350
this chapter during the pendency of such appeal is valid and 34351
enforceable among all parties, notwithstanding the decision in 34352
such appeal. If the court of appeals reverses the determination 34353
of the existence of a fiscal emergency condition by the auditor 34354
of state, the determination no longer has any effect, and any 34355

procedures undertaken as a result of the determination shall be 34356
terminated. 34357

Sec. 3316.031. (A) The ~~state superintendent of public~~ 34358
~~instruction~~director of education and workforce, in consultation 34359
with the auditor of state, shall develop guidelines for 34360
identifying fiscal practices and budgetary conditions that, if 34361
uncorrected, could result in a future declaration of a fiscal 34362
watch or fiscal emergency within a school district. 34363

The guidelines shall not include a requirement that a 34364
school district submit financial statements according to 34365
generally accepted accounting principles. 34366

(B) (1) If the ~~state superintendent~~director determines 34367
from a school district's five-year forecast submitted under 34368
section 5705.391 of the Revised Code that a district is engaging 34369
in any of those practices or that any of those conditions exist 34370
within the district, after consulting with the district board of 34371
education concerning the practices or conditions, the ~~state~~ 34372
~~superintendent~~director may declare the district to be under a 34373
fiscal caution. 34374

(2) If the auditor of state finds that a district is 34375
engaging in any of those practices or that any of those 34376
conditions exist within the district, the auditor of state shall 34377
report that finding to the ~~state superintendent~~director and, 34378
after consulting with the district board of education concerning 34379
the practices or conditions, the ~~state superintendent~~director 34380
may declare the district to be under a fiscal caution. 34381

(3) Unless the auditor of state has elected to declare a 34382
state of fiscal watch under division (A) (4) of section 3316.03 34383
of the Revised Code, the ~~state superintendent~~director shall 34384

declare a school district to be under a fiscal caution if the 34385
conditions described in divisions (A) (4) (a) and (b) of that 34386
section are both satisfied with respect to the school district. 34387

(C) When the ~~state superintendent~~ director declares a 34388
district to be under fiscal caution, the ~~state superintendent~~ 34389
director shall promptly notify the district board of education 34390
of that declaration and shall request the board to provide 34391
written proposals for discontinuing or correcting the fiscal 34392
practices or budgetary conditions that prompted the declaration 34393
and for preventing the district from experiencing further fiscal 34394
difficulties that could result in the district being declared to 34395
be in a state of fiscal watch or fiscal emergency. 34396

(D) The ~~state superintendent~~ director, or a designee, may 34397
visit and inspect any district that is declared to be under a 34398
fiscal caution. The department of education and workforce shall 34399
provide technical assistance to the district board in 34400
implementing proposals to eliminate the practices or budgetary 34401
conditions that prompted the declaration of fiscal caution and 34402
may make recommendations concerning the board's proposals. 34403

(E) If the ~~state superintendent~~ director finds that a 34404
school district declared to be under a fiscal caution has not 34405
made reasonable proposals or otherwise taken action to 34406
discontinue or correct the fiscal practices or budgetary 34407
conditions that prompted the declaration of fiscal caution, and 34408
if the ~~state superintendent~~ director considers it necessary to 34409
prevent further fiscal decline, the ~~state superintendent~~ 34410
director may determine that the district should be in a state of 34411
fiscal watch. As provided in division (A) (3) of section 3316.03 34412
of the Revised Code, the auditor of state shall declare the 34413
district to be in a state of fiscal watch if the auditor of 34414

state finds the ~~superintendent's~~ director's determination to be 34415
reasonable. 34416

Sec. 3316.04. (A) Within sixty days of the auditor's 34417
declaration under division (A) of section 3316.03 of the Revised 34418
Code, the board of education of the school district shall 34419
prepare and submit to the ~~superintendent of public instruction~~ 34420
director of education and workforce a financial plan delineating 34421
the steps the board will take to eliminate the district's 34422
current operating deficit and avoid incurring operating deficits 34423
in ensuing years, including the implementation of spending 34424
reductions. The financial plan also shall evaluate the 34425
feasibility of entering into shared services agreements with 34426
other political subdivisions for the joint exercise of any 34427
power, performance of any function, or rendering of any service, 34428
if so authorized by statute. The ~~superintendent of public~~ 34429
~~instruction~~ director shall evaluate the initial financial plan, 34430
and either approve or disapprove it within thirty calendar days 34431
from the date of its submission. If the initial financial plan 34432
is disapproved, the ~~state superintendent~~ director shall 34433
recommend modifications that will render the financial plan 34434
acceptable. No school district board shall implement a financial 34435
plan submitted to the ~~superintendent of public instruction~~ 34436
director under this section unless the ~~superintendent~~ director 34437
has approved the plan. 34438

(B) Upon request of the board of education of a school 34439
district declared to be in a state of fiscal watch, the auditor 34440
of state and ~~superintendent of public instruction~~ director shall 34441
provide technical assistance to the board in resolving the 34442
fiscal problems that gave rise to the declaration, including 34443
assistance in drafting the board's financial plan. 34444

(C) A financial plan adopted under this section may be 34445
amended at any time with the approval of the 34446
~~superintendent~~director. The board of education of the school 34447
district shall submit an updated financial plan to the 34448
~~superintendent~~director, for the ~~superintendent's~~director's 34449
approval, every year that the district is in a state of fiscal 34450
watch. The updated plan shall be submitted in a form acceptable 34451
to the ~~superintendent~~director. The ~~superintendent~~director shall 34452
approve or disapprove each updated plan no later than the 34453
anniversary of the date on which the first such plan was 34454
approved. 34455

(D) A school district that has restructured or refinanced 34456
a loan under section 3316.041 of the Revised Code shall be 34457
declared to be in a state of fiscal emergency if any of the 34458
following occurs: 34459

(1) An operating deficit is certified for the district 34460
under section 3313.483 of the Revised Code for any year prior to 34461
the repayment of the restructured or refinanced loan; 34462

(2) The ~~superintendent~~director determines, in 34463
consultation with the auditor of state, that the school district 34464
is not satisfactorily complying with the terms of the financial 34465
plan required by this section; 34466

(3) The board of education of the school district fails to 34467
submit an updated plan that is acceptable to the ~~superintendent~~director 34468
director under division (C) of this section. 34469

Sec. 3316.041. (A) Notwithstanding any provision of 34470
Chapter 133. or sections 3313.483 to 3313.4810 of the Revised 34471
Code, and subject to the approval of the ~~superintendent of~~ 34472
~~public instruction~~director of education and workforce, a school 34473

district that is in a state of fiscal watch declared under 34474
section 3316.03 of the Revised Code may restructure or refinance 34475
loans obtained or in the process of being obtained under section 34476
3313.483 of the Revised Code if all of the following 34477
requirements are met: 34478

(1) The operating deficit certified for the school 34479
district for the current or preceding fiscal year under section 34480
3313.483 of the Revised Code exceeds fifteen per cent of the 34481
district's general revenue fund for the fiscal year preceding 34482
the year for which the certification of the operating deficit is 34483
made. 34484

(2) The school district voters have, during the period of 34485
the fiscal watch, approved the levy of a tax under section 34486
718.09, 718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the 34487
Revised Code that is not a renewal or replacement levy, or a 34488
levy under section 5705.199 of the Revised Code, and that will 34489
provide new operating revenue. 34490

(3) The board of education of the school district has 34491
adopted or amended the financial plan required by section 34492
3316.04 of the Revised Code to reflect the restructured or 34493
refinanced loans, and sets forth the means by which the district 34494
will bring projected operating revenues and expenditures, and 34495
projected debt service obligations, into balance for the life of 34496
any such loan. 34497

(B) Subject to the approval of the ~~superintendent of~~ 34498
~~public instruction~~director, the school district may issue 34499
securities to evidence the restructuring or refinancing 34500
authorized by this section. Such securities may extend the 34501
original period for repayment not to exceed ten years, and may 34502
alter the frequency and amount of repayments, interest or other 34503

financing charges, and other terms or agreements under which the 34504
loans were originally contracted, provided the loans received 34505
under sections 3313.483 of the Revised Code are repaid from 34506
funds the district would otherwise receive under Chapter 3317. 34507
of the Revised Code, as required under division (E) (3) of 34508
section 3313.483 of the Revised Code. Securities issued for the 34509
purpose of restructuring or refinancing under this section shall 34510
be repaid in equal payments and at equal intervals over the term 34511
of the debt and are not eligible to be included in any 34512
subsequent proposal to restructure or refinance. 34513

(C) Unless the district is declared to be in a state of 34514
fiscal emergency under division (D) of section 3316.04 of the 34515
Revised Code, a school district shall remain in a state of 34516
fiscal watch for the duration of the repayment period of any 34517
loan restructured or refinanced under this section. 34518

Sec. 3316.042. The auditor of state, on the auditor of 34519
state's initiative, may conduct a performance audit of a school 34520
district that is under a fiscal caution under section 3316.031 34521
of the Revised Code, in a state of fiscal watch, or in a state 34522
of fiscal emergency, in which the auditor of state reviews any 34523
programs or areas of operation in which the auditor of state 34524
believes that greater operational efficiencies or enhanced 34525
program results can be achieved. 34526

The auditor of state, in consultation with the department 34527
of education and workforce and the office of budget and 34528
management, shall determine for which school districts to 34529
conduct performance audits under this section. Priority shall be 34530
given to districts in fiscal distress, including districts 34531
employing fiscal practices or experiencing budgetary conditions 34532
that could produce a state of fiscal watch or fiscal emergency, 34533

as determined by the auditor of state, in consultation with the 34534
department and the office of budget and management. 34535

The cost of a performance audit conducted under this 34536
section shall be paid by the auditor of state. 34537

A performance audit under this section shall not include 34538
review or evaluation of school district academic performance. 34539

Sec. 3316.05. (A) Pursuant to the powers of the general 34540
assembly and for the purposes of this chapter, upon the 34541
declaration of a fiscal emergency in any school district 34542
pursuant to division (B) of section 3316.03 of the Revised Code, 34543
there is established, with respect to that school district, a 34544
body both corporate and politic constituting an agency and 34545
instrumentality of the state and performing essential 34546
governmental functions of the state to be known as the 34547
"financial planning and supervision commission for _____ 34548
(name of school district)," which, in that name, may exercise 34549
all authority vested in such a commission by this chapter. A 34550
separate commission is established with respect to each school 34551
district as to which there is a fiscal emergency as determined 34552
under this chapter. 34553

(B) A commission appointed after July 1, 1999, shall 34554
consist of five voting members, including women and at least one 34555
Hispanic or African American if Hispanic and African Americans 34556
together constitute at least twenty per cent of the student 34557
population of the district, as follows: 34558

(1) Two ex officio members: the director of budget and 34559
management, or a designee of the director, and the 34560
~~superintendent of public instruction~~director of education and 34561
workforce, or a designee of the ~~superintendent~~the director. A 34562

designee, when present, shall be counted in determining whether 34563
a quorum is present at any meeting of the commission and may 34564
vote and participate in all proceedings and actions of the 34565
commission. The designations shall be in writing, executed by 34566
the member making the designation, and filed with the secretary 34567
of the commission. The designations may be changed from time to 34568
time in like manner, but due regard shall be given to the need 34569
for continuity. 34570

(2) Three appointed members, who shall be appointed within 34571
fifteen days after the declaration of the fiscal emergency, one 34572
by the governor, one by the ~~superintendent of public~~ 34573
~~instruction~~ director of education and workforce, and one by the 34574
mayor of the municipal corporation with the largest number of 34575
residents living within the school district, except that if more 34576
than fifty per cent of the residents of the district reside 34577
outside the municipal corporation containing the greatest number 34578
of district residents or if there is no municipal corporation 34579
located in the school district, the county auditor of the county 34580
with the largest number of residents living within the school 34581
district shall make the appointment in lieu of a mayor. All of 34582
the appointed members shall serve at the pleasure of the 34583
appointing authority during the life of the commission. In the 34584
event of the death, resignation, incapacity, removal, or 34585
ineligibility to serve of an appointed member, the appointing 34586
authority shall appoint a successor within fifteen days after 34587
the vacancy occurs. 34588

(a) The member appointed by the governor and the member 34589
appointed by the mayor or county auditor shall be an individual: 34590

(i) Who has knowledge and experience in financial matters, 34591
financial management, or business organization or operations, 34592

including at least five years of experience in the public or 34593
private sector in the management of business or financial 34594
enterprise, or in management consulting, public accounting, or 34595
other similar professional activity; 34596

(ii) Whose residency, office, or principal place of 34597
professional or business activity is situated within the school 34598
district. 34599

(b) The member appointed by the ~~superintendent of public~~ 34600
~~instruction director~~ shall be a parent of a child currently 34601
enrolled in a public school within the district. 34602

(C) Immediately after appointment of the initial appointed 34603
members of the commission, the ~~superintendent of public~~ 34604
~~instruction director of education and workforce~~ shall call the 34605
first meeting of the commission and shall cause written notice 34606
of the time, date, and place of the first meeting to be given to 34607
each member of the commission at least forty-eight hours in 34608
advance of the meeting. 34609

(D) The ~~superintendent of public instruction director of~~ 34610
~~education and workforce~~ shall serve as the commission's 34611
chairperson and the commission shall elect one of its members as 34612
vice-chairperson and may appoint a secretary and any other 34613
officers, who need not be members of the commission, as it 34614
considers necessary. 34615

(E) The commission may adopt and alter bylaws and rules, 34616
which shall not be subject to section 111.15 or Chapter 119. of 34617
the Revised Code, for the conduct of its affairs and for the 34618
manner, subject to this chapter, in which its powers and 34619
functions shall be exercised and embodied. 34620

(F) Three members of the commission constitute a quorum of 34621

the commission. The affirmative vote of three members of the 34622
commission is necessary for any action taken by vote of the 34623
commission. No vacancy in the membership of the commission shall 34624
impair the rights of a quorum by such vote to exercise all the 34625
rights and perform all the duties of the commission. Members of 34626
the commission, and their designees, are not disqualified from 34627
voting by reason of the functions of the other office they hold 34628
and are not disqualified from exercising the functions of the 34629
other office with respect to the school district, its officers, 34630
or the commission. 34631

(G) The auditor of state shall act as the financial 34632
supervisor for the school district under contract with the 34633
commission unless the auditor of state elects to contract for 34634
that service. At the request of the commission the auditor of 34635
state shall designate employees of the auditor of state's office 34636
to assist the commission and to coordinate the work of the 34637
auditor of state's office. Upon the declaration of a fiscal 34638
emergency in any school district, the school district shall 34639
provide the commission with such reasonable office space in the 34640
principal building housing the administrative offices of the 34641
school district, where feasible, as the commission determines is 34642
necessary to carry out its duties under this chapter. 34643

The attorney general shall serve as the legal counsel for 34644
the commission. 34645

(H) The members of the commission, the ~~superintendent of~~ 34646
~~public instruction~~director of education and workforce, the 34647
auditor of state, and any person authorized to act on behalf of 34648
or assist them shall not be personally liable or subject to any 34649
suit, judgment, or claim for damages resulting from the exercise 34650
of or failure to exercise the powers, duties, and functions 34651

granted to them in regard to their functioning under this 34652
chapter, but the commission, the ~~superintendent of public~~ 34653
~~instruction~~ director, the auditor of state, and such other 34654
persons shall be subject to mandamus proceedings to compel 34655
performance of their duties under this chapter. 34656

(I) At the request of the commission the administrative 34657
head of any state agency shall temporarily assign personnel 34658
skilled in accounting and budgeting procedures to assist the 34659
commission in its duties. 34660

(J) The appointed members of the commission are not 34661
subject to section 102.02 of the Revised Code, each appointed 34662
member of the commission shall file with the commission a signed 34663
written statement setting forth the general nature of sales of 34664
goods, property, or services or of loans to the school district 34665
with respect to which that commission is established, in which 34666
the appointed member has a pecuniary interest or in which any 34667
member of the appointed member's immediate family, as defined in 34668
section 102.01 of the Revised Code, or any corporation, 34669
partnership, or enterprise of which the appointed member is an 34670
officer, director, or partner, or of which the appointed member 34671
or a member of the appointed member's immediate family, as so 34672
defined, owns more than a five per cent interest, has a 34673
pecuniary interest, and of which sale, loan, or interest such 34674
member has knowledge. The statement shall be supplemented from 34675
time to time to reflect changes in the general nature of any 34676
such sales or loans. 34677

(K) Meetings of the commission shall be subject to section 34678
121.22 of the Revised Code except that division (C) of such 34679
section requiring members to be physically present to be part of 34680
a quorum or vote does not apply if the commission holds a 34681

meeting by teleconference and if provisions are made for public 34682
attendance at any location involved in such teleconference. 34683

Sec. 3316.06. (A) Within one hundred twenty days after the 34684
first meeting of a school district financial planning and 34685
supervision commission, the commission shall adopt a financial 34686
recovery plan regarding the school district for which the 34687
commission was created. During the formulation of the plan, the 34688
commission shall seek appropriate input from the school district 34689
board and from the community. This plan shall contain the 34690
following: 34691

(1) Actions to be taken to: 34692

(a) Eliminate all fiscal emergency conditions declared to 34693
exist pursuant to division (B) of section 3316.03 of the Revised 34694
Code; 34695

(b) Satisfy any judgments, past-due accounts payable, and 34696
all past-due and payable payroll and fringe benefits; 34697

(c) Eliminate the deficits in all deficit funds, except 34698
that any prior year deficits in the capital and maintenance fund 34699
established pursuant to section 3315.18 of the Revised Code 34700
shall be forgiven; 34701

(d) Restore to special funds any moneys from such funds 34702
that were used for purposes not within the purposes of such 34703
funds, or borrowed from such funds by the purchase of debt 34704
obligations of the school district with the moneys of such 34705
funds, or missing from the special funds and not accounted for, 34706
if any; 34707

(e) Balance the budget, avoid future deficits in any 34708
funds, and maintain on a current basis payments of payroll, 34709
fringe benefits, and all accounts; 34710

(f) Avoid any fiscal emergency condition in the future;	34711
(g) Restore the ability of the school district to market long-term general obligation bonds under provisions of law applicable to school districts generally.	34712 34713 34714
(2) The management structure that will enable the school district to take the actions enumerated in division (A) (1) of this section. The plan shall specify the level of fiscal and management control that the commission will exercise within the school district during the period of fiscal emergency, and shall enumerate respectively, the powers and duties of the commission and the powers and duties of the school board during that period. The commission may elect to assume any of the powers and duties of the school board it considers necessary, including all powers related to personnel, curriculum, and legal issues in order to successfully implement the actions described in division (A) (1) of this section.	34715 34716 34717 34718 34719 34720 34721 34722 34723 34724 34725 34726
(3) The target dates for the commencement, progress upon, and completion of the actions enumerated in division (A) (1) of this section and a reasonable period of time expected to be required to implement the plan. The commission shall prepare a reasonable time schedule for progress toward and achievement of the requirements for the plan, and the plan shall be consistent with that time schedule.	34727 34728 34729 34730 34731 34732 34733
(4) The amount and purpose of any issue of debt obligations that will be issued, together with assurances that any such debt obligations that will be issued will not exceed debt limits supported by appropriate certifications by the fiscal officer of the school district and the county auditor. If the commission considers it necessary in order to maintain or improve educational opportunities of pupils in the school	34734 34735 34736 34737 34738 34739 34740

district, the plan may include a proposal to restructure or 34741
refinance outstanding debt obligations incurred by the board 34742
under section 3313.483 of the Revised Code contingent upon the 34743
approval, during the period of the fiscal emergency, by district 34744
voters of a tax levied under section 718.09, 718.10, 5705.194, 34745
5705.21, 5748.02, 5748.08, or 5748.09 of the Revised Code that 34746
is not a renewal or replacement levy, or a levy under section 34747
5705.199 of the Revised Code, and that will provide new 34748
operating revenue. Notwithstanding any provision of Chapter 133. 34749
or sections 3313.483 to 3313.4810 of the Revised Code, following 34750
the required approval of the district voters and with the 34751
approval of the commission, the school district may issue 34752
securities to evidence the restructuring or refinancing. Those 34753
securities may extend the original period for repayment, not to 34754
exceed ten years, and may alter the frequency and amount of 34755
repayments, interest or other financing charges, and other terms 34756
of agreements under which the debt originally was contracted, at 34757
the discretion of the commission, provided that any loans 34758
received pursuant to section 3313.483 of the Revised Code shall 34759
be paid from funds the district would otherwise receive under 34760
Chapter 3317. of the Revised Code, as required under division 34761
(E) (3) of section 3313.483 of the Revised Code. The securities 34762
issued for the purpose of restructuring or refinancing the debt 34763
shall be repaid in equal payments and at equal intervals over 34764
the term of the debt and are not eligible to be included in any 34765
subsequent proposal for the purpose of restructuring or 34766
refinancing debt under this section. 34767

(5) An evaluation of the feasibility of entering into 34768
shared services agreements with other political subdivisions for 34769
the joint exercise of any power, performance of any function, or 34770
rendering of any service, if so authorized by statute. 34771

(B) Any financial recovery plan may be amended subsequent 34772
to its adoption. Each financial recovery plan shall be updated 34773
annually. 34774

(C) Each school district financial planning and 34775
supervision commission shall submit the financial recovery plan 34776
it adopts or updates under this section to the ~~state~~ 34777
~~superintendent of public instruction~~ director of education and 34778
workforce for approval immediately following its adoption or 34779
updating. The ~~state superintendent~~ director shall evaluate the 34780
plan and either approve or disapprove it within thirty calendar 34781
days from the date of its submission. If the plan is 34782
disapproved, the ~~state superintendent~~ director shall recommend 34783
modifications that will render it acceptable. No financial 34784
planning and supervision commission shall implement a financial 34785
recovery plan that is adopted or updated on or after April 10, 34786
2001, unless the ~~state superintendent~~ director has approved it. 34787

Sec. 3316.08. During a school district's fiscal emergency 34788
period, the auditor of state shall determine annually, or at any 34789
other time upon request of the financial planning and 34790
supervision commission, whether the school district will incur 34791
an operating deficit. If the auditor of state determines that a 34792
school district will incur an operating deficit, the auditor of 34793
state shall certify that determination to the ~~superintendent of~~ 34794
~~public instruction~~ director of education and workforce, the 34795
financial planning and supervision commission, and the board of 34796
education of the school district. Upon receiving the auditor of 34797
state's certification, the commission shall adopt a resolution 34798
requesting that the board of education work with the county 34799
auditor or tax commissioner to estimate the amount and rate of a 34800
tax levy that is needed under section 5705.194, ~~5709.199~~ 34801
5705.199, or 5705.21 or Chapter 5748. of the Revised Code to 34802

produce a positive fund balance not later than the fifth year of 34803
the five-year forecast submitted under section 5705.391 of the 34804
Revised Code. 34805

The board of education shall recommend to the commission 34806
whether the board supports or opposes a tax levy under section 34807
5705.194, ~~5709.199~~ 5705.199, or 5705.21 or Chapter 5748. of the 34808
Revised Code and shall provide supporting documentation to the 34809
commission of its recommendation. 34810

After considering the board of education's recommendation 34811
and supporting documentation, the commission shall adopt a 34812
resolution to either submit a ballot question proposing a tax 34813
levy or not to submit such a question. 34814

Except as otherwise provided in this division, the tax 34815
shall be levied in the manner prescribed for a tax levied under 34816
section 5705.194, ~~5709.199~~ 5705.199, or 5705.21 or under Chapter 34817
5748. of the Revised Code. If the commission decides that a tax 34818
should be levied, the tax shall be levied for the purpose of 34819
paying current operating expenses of the school district. The 34820
rate of a property tax levied under section 5705.194, ~~5709.199~~ 34821
5705.199, 5705.21, or 5748.09 of the Revised Code shall be 34822
determined by the county auditor, and the rate of an income tax 34823
levied under section 5748.02, 5748.08, or 5748.09 of the Revised 34824
Code shall be determined by the tax commissioner, upon the 34825
request of the commission. The commission, in consultation with 34826
the board of education, shall determine the election at which 34827
the question of the tax shall appear on the ballot, and the 34828
commission shall submit a copy of its resolution to the board of 34829
elections not later than ninety days prior to the day of that 34830
election. The board of elections conducting the election shall 34831
certify the results of the election to the board of education 34832

and to the financial planning and supervision commission. 34833

Sec. 3316.20. (A) (1) The school district solvency 34834
assistance fund is hereby created in the state treasury, to 34835
consist of such amounts designated for the purposes of the fund 34836
by the general assembly. The fund shall be used to provide 34837
assistance and grants to school districts to enable them to 34838
remain solvent and to pay unforeseeable expenses of a temporary 34839
or emergency nature that they are unable to pay from existing 34840
resources. 34841

(2) There is hereby created within the fund an account 34842
known as the school district shared resource account, which 34843
shall consist of money appropriated to it by the general 34844
assembly. The money in the account shall be used solely for 34845
solvency assistance to school districts that have been declared 34846
under division (B) of section 3316.03 of the Revised Code to be 34847
in a state of fiscal emergency. 34848

(3) There is hereby created within the fund an account 34849
known as the catastrophic expenditures account, which shall 34850
consist of money appropriated to the account by the general 34851
assembly plus all investment earnings of the fund. Money in the 34852
account shall be used solely for the following: 34853

(a) Solvency assistance to school districts that have been 34854
declared under division (B) of section 3316.03 of the Revised 34855
Code to be in a state of fiscal emergency, in the event that all 34856
money in the shared resource account is utilized for solvency 34857
assistance; 34858

(b) Grants to school districts under division (C) of this 34859
section. 34860

(B) Solvency assistance payments under division (A) (2) or 34861

(3) (a) of this section shall be made from the fund by the 34862
~~superintendent of public instruction~~ director of education and 34863
workforce in accordance with rules adopted by the director of 34864
budget and management, after consulting with the 34865
~~superintendent~~ director, specifying approval criteria and 34866
procedures necessary for administering the fund. 34867

The fund shall be reimbursed for any solvency assistance 34868
amounts paid under division (A) (2) or (3) (a) of this section not 34869
later than the end of the second fiscal year following the 34870
fiscal year in which the solvency assistance payment was made, 34871
except that, upon the approval of the director of budget and 34872
management and the ~~superintendent of public instruction~~ director 34873
of education and workforce, the fund may be reimbursed in 34874
another fiscal year designated by the director of budget and 34875
management and ~~superintendent~~ director of education and 34876
workforce that is not later than the end of the tenth fiscal 34877
year following the fiscal year in which the solvency assistance 34878
payment was made. If not made directly by the school district, 34879
such reimbursement shall be made by the director of budget and 34880
management from the amounts the school district would otherwise 34881
receive pursuant to Chapter 3317. of the Revised Code, or from 34882
any other funds appropriated for the district by the general 34883
assembly. Reimbursements shall be credited to the respective 34884
account from which the solvency assistance paid to the district 34885
was deducted. 34886

(C) The ~~superintendent of public instruction~~ director of 34887
education and workforce may make recommendations, and the 34888
controlling board may grant money from the catastrophic 34889
expenditures account to any school district that suffers an 34890
unforeseen catastrophic event that severely depletes the 34891
district's financial resources. The ~~superintendent~~ director of 34892

education and workforce shall make recommendations for the 34893
grants in accordance with rules adopted by the director of 34894
budget and management, after consulting with the 34895
~~superintendent~~director of education and workforce. A school 34896
district shall not be required to repay any grant awarded to the 34897
district under this division, unless the district receives money 34898
from this state or a third party, including an agency of the 34899
government of the United States, specifically for the purpose of 34900
compensating the district for revenue lost or expenses incurred 34901
as a result of the unforeseen catastrophic event. If a school 34902
district receives a grant from the catastrophic expenditures 34903
account on the basis of the same circumstances for which an 34904
adjustment or recomputation is authorized under section 34905
3317.025, 3317.028, 3317.0210, or 3317.0211 of the Revised Code, 34906
the department of education and workforce shall reduce the 34907
adjustment or recomputation by an amount not to exceed the total 34908
amount of the grant, and an amount equal to the reduction shall 34909
be transferred, from the funding source from which the 34910
adjustment or recomputation would be paid, to the catastrophic 34911
expenditures account. Any adjustment or recomputation under such 34912
sections that is in excess of the total amount of the grant 34913
shall be paid to the school district. 34914

Sec. 3317.01. As used in this section, "school district," 34915
unless otherwise specified, means any city, local, exempted 34916
village, joint vocational, or cooperative education school 34917
district and any educational service center. 34918

This chapter shall be administered by the ~~state board~~ 34919
department of education and workforce. The ~~superintendent of~~ 34920
~~public instruction~~department of education and workforce shall 34921
calculate the amounts payable to each school district and shall 34922
certify the amounts payable to each eligible district to the 34923

treasurer of the district as provided by this chapter. 34924
Certification of moneys pursuant to this section shall include 34925
the amounts payable to each school building, at a frequency 34926
determined by the ~~superintendent~~department, for each subgroup of 34927
students, as defined in section 3317.40 of the Revised Code, 34928
receiving services, provided for by state funding, from the 34929
district or school. No moneys shall be distributed pursuant to 34930
this chapter without the approval of the controlling board. 34931

The ~~state board of education~~department shall, in 34932
accordance with appropriations made by the general assembly, 34933
meet the financial obligations of this chapter. 34934

Moneys distributed to school districts pursuant to this 34935
chapter shall be calculated based on the annual enrollment 34936
calculated from the three reports required under sections 34937
3317.03 and 3317.036 of the Revised Code and paid on a fiscal 34938
year basis, beginning with the first day of July and extending 34939
through the thirtieth day of June. In any given fiscal year, 34940
prior to school districts submitting the first report required 34941
under section 3317.03 of the Revised Code, enrollment for the 34942
districts shall be calculated based on the third report 34943
submitted by the districts for the previous fiscal year. The 34944
moneys appropriated for each fiscal year shall be distributed 34945
periodically to each school district unless otherwise provided 34946
for. The ~~state board~~department, in June of each year, shall 34947
submit to the controlling board the ~~state board's~~department's 34948
year-end distributions pursuant to this chapter. 34949

Except as otherwise provided, payments under this chapter 34950
shall be made only to those school districts in which: 34951

(A) The school district, except for any educational 34952
service center and any joint vocational or cooperative education 34953

school district, levies for current operating expenses at least 34954
twenty mills. Levies for joint vocational or cooperative 34955
education school districts or county school financing districts, 34956
limited to or to the extent apportioned to current expenses, 34957
shall be included in this qualification requirement. School 34958
district income tax levies under Chapter 5748. of the Revised 34959
Code, limited to or to the extent apportioned to current 34960
operating expenses, shall be included in this qualification 34961
requirement to the extent determined by the tax commissioner 34962
under division (C) of section 3317.021 of the Revised Code. 34963

(B) The school year next preceding the fiscal year for 34964
which such payments are authorized meets the requirement of 34965
section 3313.48 of the Revised Code, with regard to the minimum 34966
number of hours school must be open for instruction with pupils 34967
in attendance, for individualized parent-teacher conference and 34968
reporting periods, and for professional meetings of teachers. 34969

A school district shall not be considered to have failed 34970
to comply with this division because schools were open for 34971
instruction but either twelfth grade students were excused from 34972
attendance for up to the equivalent of three school days or only 34973
a portion of the kindergarten students were in attendance for up 34974
to the equivalent of three school days in order to allow for the 34975
gradual orientation to school of such students. 34976

A board of education or governing board of an educational 34977
service center which has not conformed with other law and the 34978
rules pursuant thereto, shall not participate in the 34979
distribution of funds authorized by this chapter, except for 34980
good and sufficient reason established to the satisfaction of 34981
the ~~state board of education~~ department and the state 34982
controlling board. 34983

All funds allocated to school districts under this chapter, except those specifically allocated for other purposes, shall be used to pay current operating expenses only.

Sec. 3317.011. This section shall apply only for fiscal years 2022 and 2023.

(A) As used in this section:

(1) "Average administrative assistant salary" means the average salary of administrative assistants employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$65,000, using fiscal year 2018 data, as determined by the department of education and workforce.

(2) "Average bookkeeping and accounting employee salary" means the average salary of bookkeeping employees and accounting employees employed by city, local, and exempted village school districts in this state with salaries greater than \$20,000 but less than \$80,000, using fiscal year 2018 data, as determined by the department.

(3) "Average clerical staff salary" means the average salary of clerical staff employed by city, local, and exempted village school districts in this state with salaries greater than \$15,000 but less than \$50,000, using fiscal year 2018 data, as determined by the department.

(4) "Average counselor salary" means the average salary of counselors employed by city, local, and exempted village school districts in this state with salaries greater than \$30,000 but less than \$95,000, using fiscal year 2018 data, as determined by the department.

(5) "Average education management information system

support employee salary" means the average salary of accounting 35013
employees employed by city, local, and exempted village school 35014
districts in this state with salaries greater than \$30,000 but 35015
less than \$90,000, using fiscal year 2018 data, as determined by 35016
the department. 35017

(6) "Average librarian and media staff salary" means the 35018
average salary of librarians and media staff employed by city, 35019
local, and exempted village school districts in this state with 35020
salaries greater than \$30,000 but less than \$95,000, using 35021
fiscal year 2018 data, as determined by the department. 35022

(7) "Average other district administrator salary" means 35023
the average salary of all assistant superintendents and 35024
directors employed by city, local, and exempted village school 35025
districts in this state with salaries greater than \$50,000 but 35026
less than \$135,000, using fiscal year 2018 data, as determined 35027
by the department. 35028

(8) "Average principal salary" means the average salary of 35029
all principals employed by city, local, and exempted village 35030
school districts in this state with salaries greater than 35031
\$50,000 but less than \$120,000, using fiscal year 2018 data, as 35032
determined by the department. 35033

(9) "Average superintendent salary" means the average 35034
salary of all superintendents employed by city, local, and 35035
exempted village school districts in this state with salaries 35036
greater than \$60,000 but less than \$180,000, using fiscal year 35037
2018 data, as determined by the department. 35038

(10) "Average teacher cost" for a fiscal year is equal to 35039
the sum of the following: 35040

(a) The average salary of teachers employed by city, 35041

local, and exempted village school districts in this state with 35042
salaries greater than \$30,000 but less than \$95,000, using 35043
fiscal year 2018 data, as determined by the department; 35044

(b) An amount for teacher benefits equal to 0.16 times the 35045
average salary calculated under division (A)(10)(a) of this 35046
section; 35047

(c) An amount for district-paid insurance costs equal to 35048
the following product: 35049

The statewide weighted average employer-paid monthly premium 35050
based on data reported by city, local, and exempted village 35051
school districts to the state employment relations board for the 35052
health insurance survey conducted in accordance with divisions 35053
(K) (5) and (6) of section 4117.02 of the Revised Code using 35054
fiscal year 2018 data X 12 35055

(11) "Eligible school district" means a city, local, or 35056
exempted village school district that satisfies one of the 35057
following: 35058

(a) The district is a member of an organization that 35059
regulates interscholastic athletics. 35060

(b) The district has teams in at least three different 35061
sports that participate in an interscholastic league. 35062

(B) When calculating a district's aggregate base cost 35063
under this section, the department shall use data from fiscal 35064
year 2018 for all of the following: 35065

(1) The average salaries determined under divisions (A) 35066
(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this 35067
section; 35068

(2) The amount for teacher benefits determined under 35069

division (A) (10) (b) of this section;	35070
(3) The district-paid insurance costs determined under division (A) (10) (c) of this section;	35071 35072
(4) The spending determined under divisions (E) (4) (a), (E) (5) (a), (E) (6) (a), and (H) (1) of this section and the corresponding student counts determined under divisions (E) (4) (b), (E) (5) (b), (E) (6) (b), and (H) (2) of this section;	35073 35074 35075 35076
(5) The information determined under division (G) (3) of this section.	35077 35078
(C) A city, local, or exempted village school district's aggregate base cost for a fiscal year shall be equal to the following sum:	35079 35080 35081
(The district's teacher base cost for that fiscal year computed under division (D) of this section) + (the district's student support base cost for that fiscal year computed under division (E) of this section) + (the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section) + (the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section) + (the athletic co- curricular activities base cost for that fiscal year computed under division (H) of this section, if the district is an eligible school district)	35082 35083 35084 35085 35086 35087 35088 35089 35090 35091 35092
(D) The department of education shall compute a district's teacher base cost for a fiscal year as follows:	35093 35094
(1) Calculate the district's classroom teacher cost for that fiscal year as follows:	35095 35096
(a) Determine the full-time equivalency of students in the	35097

district's base cost enrolled ADM for that fiscal year that are	35098
enrolled in kindergarten and divide that number by 20;	35099
(b) Determine the full-time equivalency of students in the	35100
district's base cost enrolled ADM for that fiscal year that are	35101
enrolled in grades one through three and divide that number by	35102
23;	35103
(c) Determine the full-time equivalency of students in the	35104
district's base cost enrolled ADM for that fiscal year that are	35105
enrolled in grades four through eight but are not enrolled in a	35106
career-technical education program or class described under	35107
section 3317.014 of the Revised Code and divide that number by	35108
25;	35109
(d) Determine the full-time equivalency of students in the	35110
district's base cost enrolled ADM for that fiscal year that are	35111
enrolled in grades nine through twelve but are not enrolled in a	35112
career-technical education program or class described under	35113
section 3317.014 of the Revised Code and divide that number by	35114
27;	35115
(e) Determine the full-time equivalency of students in the	35116
district's base cost enrolled ADM for that fiscal year that are	35117
enrolled in a career-technical education program or class, as	35118
certified under divisions (B) (11), (12), (13), (14), and (15) of	35119
section 3317.03 of the Revised Code, and divide that number by	35120
18;	35121
(f) Compute the sum of the quotients obtained under	35122
divisions (D) (1) (a), (b), (c), (d), and (e) of this section;	35123
(g) Compute the classroom teacher cost by multiplying the	35124
average teacher cost for that fiscal year by the sum computed	35125
under division (D) (1) (f) of this section.	35126

(2) Calculate the district's special teacher cost for that fiscal year as follows:	35127 35128
(a) Divide the district's base cost enrolled ADM for that fiscal year by 150;	35129 35130
(b) If the quotient obtained under division (D) (2) (a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year.	35131 35132 35133 35134
(c) If the quotient obtained under division (D) (2) (a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year.	35135 35136 35137 35138
(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula:	35139 35140
(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;	35141 35142 35143
(b) Compute the substitute teacher cost in accordance with the following formula:	35144 35145
[The sum computed under division (D) (1) (f) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X the amount computed under division (D) (3) (a) of this section X 5	35146 35147 35148 35149
(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula:	35150 35151
[The sum computed under division (D) (1) (f) of this section + (the greater of the quotient obtained under division (D) (2) (a) of this section and 6)] X [(the sum of divisions (A) (10) (a) and	35152 35153 35154

(b) of this section for that fiscal year)/180] X 4	35155
(5) Calculate the district's teacher base cost for that	35156
fiscal year, which equals the sum of divisions (D) (1), (2), (3),	35157
and (4) of this section.	35158
(E) The department shall compute a district's student	35159
support base cost for a fiscal year as follows:	35160
(1) Calculate the district's guidance counselor cost for	35161
that fiscal year as follows:	35162
(a) Determine the number of students in the district's	35163
base cost enrolled ADM for that fiscal year that are enrolled in	35164
grades nine through twelve and divide that number by 360;	35165
(b) Compute the counselor cost in accordance with the	35166
following formula:	35167
(The greater of the quotient obtained under division (E) (1) (a)	35168
of this section and 1) X [(the average counselor salary for that	35169
fiscal year X 1.16) + the amount specified under division (A)	35170
(10) (c) of this section for that fiscal year]	35171
(2) Calculate the district's librarian and media staff	35172
cost for that fiscal year as follows:	35173
(a) Divide the district's base cost enrolled ADM for that	35174
fiscal year by 1,000;	35175
(b) Compute the librarian and media staff cost in	35176
accordance with the following formula:	35177
The quotient obtained under division (E) (2) (a) of this section X	35178
[(the average librarian and media staff salary for that fiscal	35179
year X 1.16) + the amount specified under division (A) (10) (c) of	35180
this section for that fiscal year]	35181

(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	35182 35183
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	35184 35185
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	35186 35187
(The greater of the quotient obtained under division (E) (3) (a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	35188 35189 35190 35191
(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows:	35192 35193
(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2018 data;	35194 35195 35196 35197
(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2018 data as specified under division (E) (4) (a) of this section;	35198 35199 35200
(c) Compute the academic co-curricular activities cost in accordance with the following formula:	35201 35202
(The amount determined under division (E) (4) (a) of this section / the sum determined under division (E) (4) (b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the academic co-curricular activities cost is computed	35203 35204 35205 35206 35207
(5) Calculate the district's building safety and security cost for that fiscal year as follows:	35208 35209

(a) Determine the total amount of spending for building safety and security reported by city, local, and exempted village school districts to the department using fiscal year 2018 data;	35210 35211 35212 35213
(b) Determine the sum of the enrolled ADM of every school district in the state that reported the data specified under division (E) (5) (a) of this section using fiscal year 2018 data;	35214 35215 35216
(c) Compute the building safety and security cost in accordance with the following formula:	35217 35218
(The amount determined under division (E) (5) (a) of this section / the sum determined under division (E) (5) (a) of this section) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed	35219 35220 35221 35222
(6) Calculate the district's supplies and academic content cost for that fiscal year as follows:	35223 35224
(a) Determine the total amount of spending for supplies and academic content, excluding supplies for transportation and maintenance, reported by city, local, and exempted village school districts to the department using fiscal year 2018 data;	35225 35226 35227 35228
(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2018 data as specified under division (E) (6) (a) of this section;	35229 35230 35231
(c) Compute the supplies and academic content cost in accordance with the following formula:	35232 35233
(The amount determined under division (E) (6) (a) of this section / the sum determined under division (E) (6) (b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is	35234 35235 35236 35237

computed	35238
(7) Calculate the district's technology cost for that	35239
fiscal year in accordance with the following formula:	35240
\$37.50 X the district's base cost enrolled ADM for that fiscal	35241
year	35242
(8) Calculate the district's student support base cost for	35243
that fiscal year, which equals the sum of divisions (E) (1), (2),	35244
(3), (4), (5), (6), and (7) of this section.	35245
(F) The department shall compute a district's leadership	35246
and accountability base cost for a fiscal year as follows:	35247
(1) Calculate the district's superintendent cost for that	35248
fiscal year as follows:	35249
(a) If the district's base cost enrolled ADM for that	35250
fiscal year is greater than 4,000, then the district's	35251
superintendent cost shall be equal to [(\$160,000 X 1.16) + the	35252
amount specified under division (A) (10) (c) of this section for	35253
that fiscal year].	35254
(b) If the district's base cost enrolled ADM for that	35255
fiscal year is less than or equal to 4,000 but greater than or	35256
equal to 500, the district's superintendent cost shall be equal	35257
to the sum of the following:	35258
(i) (The district's base cost enrolled ADM for that fiscal	35259
year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500};	35260
(ii) (\$80,000 X 1.16) + the amount specified under	35261
division (A) (10) (c) of this section for that fiscal year.	35262
(c) If the district's base cost enrolled ADM is less than	35263
500, then the district's superintendent cost shall be equal to	35264

[($\$80,000 \times 1.16$) + the amount specified under division (A) (10) 35265
(c) of this section for that fiscal year]. 35266

(2) Calculate the district's treasurer cost for that 35267
fiscal year as follows: 35268

(a) If the district's base cost enrolled ADM for that 35269
fiscal year is greater than 4,000, then the district's treasurer 35270
cost shall be equal to [($\$130,000 \times 1.16$) + the amount specified 35271
under division (A) (10) (c) of this section for that fiscal year]. 35272

(b) If the district's base cost enrolled ADM for that 35273
fiscal year is less than or equal to 4,000 but greater than or 35274
equal to 500, the district's treasurer cost shall be equal to 35275
the sum of the following: 35276

(i) (The district's base cost enrolled ADM for that fiscal 35277
year - 500) X {[($\$130,000 \times 1.16$) - ($\$60,000 \times 1.16$)]/3500}; 35278

(ii) ($\$60,000 \times 1.16$) + the amount specified under 35279
division (A) (10) (c) of this section for that fiscal year. 35280

(c) If the district's base cost enrolled ADM is less than 35281
500, then the district's treasurer cost shall be equal to 35282
[($\$60,000 \times 1.16$) + the amount specified under division (A) (10) 35283
(c) of this section for that fiscal year]. 35284

(3) Calculate the district's other district administrator 35285
cost for that fiscal year as follows: 35286

(a) Divide the average other district administrator salary 35287
for that fiscal year by the average superintendent salary for 35288
that fiscal year; 35289

(b) Divide the district's base cost enrolled ADM for that 35290
fiscal year by 750; 35291

(c) Compute the other district administrator cost in accordance with the following formula:	35292 35293
{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (F) (3) (a) of this section] + the amount specified under division (A) (10) (c) of this section} X (the greater of the quotient obtained under division (F) (3) (b) of this section and 2)	35294 35295 35296 35297 35298 35299 35300
(4) Calculate the district's fiscal support cost for that fiscal year as follows:	35301 35302
(a) Divide the district's base cost enrolled ADM for that fiscal year by 850;	35303 35304
(b) Determine the lesser of the following:	35305
(i) The maximum of the quotient obtained under division (F) (4) (a) of this section and 2;	35306 35307
(ii) 35.	35308
(c) Compute the fiscal support cost in accordance with the following formula:	35309 35310
The number obtained under division (F) (4) (b) of this section X [(the average bookkeeping and accounting employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	35311 35312 35313 35314
(5) Calculate the district's education management information system support cost for that fiscal year as follows:	35315 35316
(a) Divide the district's base cost enrolled ADM for that fiscal year by 5,000;	35317 35318

(b) Compute the education management information system support cost in accordance with the following formula:	35319 35320
(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	35321 35322 35323 35324 35325
(6) Calculate the district's leadership support cost for that fiscal year as follows:	35326 35327
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2, and add 1 to that number;	35328 35329 35330
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	35331 35332
(c) Compute the leadership support cost in accordance with the following formula:	35333 35334
(The greater of the quotient obtained under division (F) (6) (b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of this section for that fiscal year]	35335 35336 35337 35338
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:	35339 35340 35341
\$31 X the district's base cost enrolled ADM for that fiscal year	35342
(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of this section.	35343 35344 35345 35346

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows: 35347
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35349

(1) Calculate the district's building leadership cost for that fiscal year as follows: 35350
35351

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year; 35352
35353

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450; 35354
35355

(c) Compute the building leadership cost in accordance with the following formula: 35356
35357

{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of this section for that fiscal year) X the quotient obtained under division (G) (1) (a) of this section] + the amount specified under division (A) (10) (c) of this section for that fiscal year} X the quotient obtained under division (G) (1) (b) of this section 35358
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(2) Calculate the district's building leadership support cost for that fiscal year as follows: 35365
35366

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400; 35367
35368

(b) Determine the number of school buildings in the district for that fiscal year; 35369
35370

(c) Compute the building leadership support cost in accordance with the following formula: 35371
35372

(i) If the quotient obtained under division (G) (2) (a) of 35373

this section is less than the number obtained under division (G) 35374
(2) (b) of this section, then the district's building leadership 35375
support cost shall be equal to {the number obtained under 35376
division (G) (2) (b) of this section for that fiscal year X [(the 35377
average clerical staff salary for that fiscal year X 1.16) + the 35378
amount specified under division (A) (10) (c) of this section for 35379
that fiscal year}}. 35380

(ii) If the quotient obtained under division (G) (2) (a) of 35381
this section is greater than or equal to the number obtained 35382
under division (G) (2) (b) of this section, then the district's 35383
building leadership support cost shall be equal to {[the lesser 35384
of (the number obtained under division (G) (2) (b) of this section 35385
X 3) and the quotient obtained under division (G) (2) (a) of this 35386
section] X [(the average clerical staff salary for that fiscal 35387
year X 1.16) + the amount specified under division (A) (10) (c) of 35388
this section for that fiscal year}}. 35389

(3) Calculate the district's building operations cost for 35390
that fiscal year as follows: 35391

(a) Using data for the six most recent fiscal years for 35392
which data is available, determine both of the following: 35393

(i) The six-year average of the average building square 35394
feet per pupil for all city, local, and exempted village school 35395
district buildings in the state; 35396

(ii) The six-year average cost per square foot for all 35397
city, local, and exempted village school district buildings in 35398
the state. 35399

(b) Compute the building operations cost in accordance 35400
with the following formula: 35401

The district's base cost enrolled ADM for that fiscal year 35402

X [(the number determined under division (G) (3) (a) (i) of this section X the number determined under division (G) (3) (a) (ii) of this section) - (the amount determined under division (E) (5) (a) of this section for that fiscal year/ the sum determined under division (E) (5) (b) of this section for that fiscal year)]

(4) Calculate the district's building leadership and operations base cost for that fiscal year, which equals the sum of divisions (G) (1), (2), and (3) of this section.

(H) If a district is an eligible school district, the department shall compute the district's athletic co-curricular activities base cost for a fiscal year as follows:

(1) Determine the total amount of spending for athletic co-curricular activities reported by city, local, and exempted village school districts to the department for that fiscal year;

(2) Determine the sum of the enrolled ADM of every school district in the state for that fiscal year;

(3) Compute the district's athletic co-curricular activities base cost in accordance with the following formula:

(The amount determined under division (H) (1) of this section / the sum determined under division (H) (2) of this section) X the district's base cost enrolled ADM for the fiscal year for which the funds for athletic co-curricular activities are computed

Sec. 3317.012. This section shall apply only for fiscal years 2022 and 2023.

(A) As used in this section, "average administrative assistant salary," "average bookkeeping and accounting employee salary," "average clerical staff salary," "average counselor salary," "average education management information system

support employee salary," "average librarian and media staff salary," "average other district administrator salary," "average principal salary," "average superintendent salary," and "average teacher cost" have the same meanings as in section 3317.011 of the Revised Code.

(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 for all of the following:

(1) The average salaries determined under divisions (A) (1), (2), (3), (4), (5), (6), (7), (8), (9), and (10) (a) of section 3317.011 of the Revised Code;

(2) The amount for teacher benefits determined under division (A) (10) (b) of section 3317.011 of the Revised Code;

(3) The district-paid insurance costs determined under division (A) (10) (c) of section 3317.011 of the Revised Code;

(4) Spending determined under divisions (E) (4) (a), (E) (5) (a), and (H) (1) of section 3317.011 of the Revised Code and the corresponding student counts determined under divisions (E) (4) (b), (E) (5) (b), and (H) (2) of that section;

(5) The information determined under division (G) (3) of section 3317.011 of the Revised Code.

(C) A joint vocational school district's aggregate base cost for a fiscal year shall be equal to the following sum:

The district's teacher base cost for that fiscal year computed under division (D) of this section + the district's student support base cost for that fiscal year computed under division (E) of this section + the district's leadership and accountability base cost for that fiscal year computed under

division (F) of this section + the district's building	35459
leadership and operations base cost for that fiscal year	35460
computed under division (G) of this section	35461
(D) The department of education <u>and workforce</u> shall	35462
compute a district's teacher base cost for a fiscal year as	35463
follows:	35464
(1) Calculate the district's classroom teacher cost for	35465
that fiscal year as follows:	35466
(a) Determine the full-time equivalency of students in the	35467
district's base cost enrolled ADM for that fiscal year that are	35468
enrolled in a career-technical education program or class, as	35469
certified under divisions (D) (2) (h), (i), (j), (k), and (l) of	35470
section 3317.03 of the Revised Code, and divide that number by	35471
18;	35472
(b) Determine the full-time equivalency of students in the	35473
district's base cost enrolled ADM for that fiscal year that are	35474
enrolled in grades six through eight but are not enrolled in a	35475
career-technical education program or class described under	35476
section 3317.014 of the Revised Code and divide that number by	35477
25;	35478
(c) Determine the full-time equivalency of students in the	35479
district's base cost enrolled ADM for that fiscal year that are	35480
enrolled in grades nine through twelve but are not enrolled in a	35481
career-technical education program or class described under	35482
section 3317.014 of the Revised Code and divide that number by	35483
27;	35484
(d) Compute the sum of the quotients obtained under	35485
divisions (D) (1) (a), (b), and (c) of this section;	35486
(e) Compute the classroom teacher base cost by multiplying	35487

the average teacher cost for that fiscal year by the sum 35488
computed under division (D) (1) (d) of this section. 35489

(2) Calculate the district's cost for that fiscal year for 35490
teachers providing health and physical education, instruction 35491
regarding employability and soft skills, development and 35492
coordination of internships and job placements, career-technical 35493
student organization activities, pre-apprenticeship and 35494
apprenticeship coordination, and any assessment related to 35495
career-technical education, including any nationally recognized 35496
job skills or end-of-course assessment, as follows: 35497

(a) Divide the district's base cost enrolled ADM for that 35498
fiscal year by 150; 35499

(b) If the quotient obtained under division (D) (2) (a) of 35500
this section is greater than 6, the teacher cost shall be equal 35501
to that quotient multiplied by the average teacher cost for that 35502
fiscal year. 35503

(c) If the quotient obtained under division (D) (2) (a) of 35504
this section is less than or equal to 6, the teacher cost shall 35505
be equal to 6 multiplied by the average teacher cost for that 35506
fiscal year. 35507

(3) Calculate the district's substitute teacher cost for 35508
that fiscal year in accordance with the following formula: 35509

(a) Compute the substitute teacher daily rate with 35510
benefits by multiplying the substitute teacher daily rate of \$90 35511
by 1.16; 35512

(b) Compute the substitute teacher cost in accordance with 35513
the following formula: 35514

[The sum computed under division (D) (1) (d) of this section + 35515

(the greater of the quotient obtained under division (D) (2) (a)	35516
of this section and 6)] X the amount computed under division (D)	35517
(3) (a) of this section X 5	35518
(4) Calculate the district's professional development cost	35519
for that fiscal year in accordance with the following formula:	35520
[The sum computed under division (D) (1) (d) of this section +	35521
(the greater of the quotient obtained under division (D) (2) (a)	35522
of this section and 6)] X [(the sum of divisions (A) (10) (a) and	35523
(b) of section 3317.011 of the Revised Code for that fiscal	35524
year)/180] X 4	35525
(5) Calculate the district's teacher base cost for that	35526
fiscal year, which equals the sum of divisions (D) (1), (2), (3),	35527
and (4) of this section.	35528
(E) The department shall compute a district's student	35529
support base cost for a fiscal year as follows:	35530
(1) Calculate the district's guidance counselor cost for	35531
that fiscal year as follows:	35532
(a) Determine the number of students in the district's	35533
base cost enrolled ADM for that fiscal year that are enrolled in	35534
grades nine through twelve and divide that number by 360;	35535
(b) Compute the counselor cost in accordance with the	35536
following formula:	35537
(The greater of the quotient obtained under division (E) (1) (a)	35538
of this section and 1) X [(the average counselor salary for that	35539
fiscal year X 1.16) + the amount specified under division (A)	35540
(10) (c) of section 3317.011 of the Revised Code for that fiscal	35541
year]	35542
(2) Calculate the district's librarian and media staff	35543

cost for that fiscal year as follows:	35544
(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;	35545 35546
(b) Compute the librarian and media staff cost in accordance with the following formula:	35547 35548
The quotient obtained under division (E) (2) (a) of this section X	35549
[(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	35550 35551 35552
(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	35553 35554
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	35555 35556
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	35557 35558
The quotient obtained under division (E) (3) (a) of this section X	35559
[(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	35560 35561 35562
(4) Calculate the district's cost for that fiscal year for career-technical curriculum specialists and coordinators, career assessment and program placement, recruitment and orientation, student success coordination, analysis of test results, development of intervention and remediation plans and monitoring of those plans, and satellite program coordination in accordance with the following formula:	35563 35564 35565 35566 35567 35568 35569
[(The amount determined under division (E) (4) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum	35570 35571

determined under division (E) (4) (b) of section 3317.011 of the Revised Code) + (the amount determined under division (H) (1) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (H) (2) of section 3317.011 of the Revised Code)] X the district's base cost enrolled ADM for the fiscal year for which the district's cost under this division is computed

(5) Compute the district's building safety and security cost for that fiscal year in accordance with the following formula:

(The amount determined under division (E) (5) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (5) (b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed

(6) Compute the district's supplies and academic content cost for that fiscal year in accordance with the following formula:

(The amount determined under division (E) (6) (a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E) (6) (b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:

\$37.50 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E) (1), (2), (3), (4), (5), (6), and (7) of this section.

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:

(1) Calculate the district's superintendent cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16)]/3500};

(ii) (\$80,000 X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to [(\$80,000 X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year].

(2) Calculate the district's treasurer cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that 35629
fiscal year is greater than 4,000, then the district's treasurer 35630
cost shall be equal to $[(\$130,000 \times 1.16) + \text{the amount specified}]$ 35631
under division (A) (10) (c) of section 3317.011 of the Revised 35632
Code for that fiscal year]. 35633

(b) If the district's base cost enrolled ADM for that 35634
fiscal year is less than or equal to 4,000 but greater than or 35635
equal to 500, the district's treasurer cost shall be equal to 35636
the sum of the following: 35637

(i) (The district's base cost enrolled ADM for that fiscal 35638
year - 500) $\times \{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\}$; 35639

(ii) $(\$60,000 \times 1.16) + \text{the amount specified under}$ 35640
division (A) (10) (c) of section 3317.011 of the Revised Code for 35641
that fiscal year. 35642

(c) If the district's base cost enrolled ADM is less than 35643
500, then the district's treasurer cost shall be equal to 35644
 $[(\$60,000 \times 1.16) + \text{the amount specified under division (A) (10)}$ 35645
 $(c) \text{ of section 3317.011 of the Revised Code for that fiscal}$ 35646
 $\text{year}]$. 35647

(3) Calculate the district's other district administrator 35648
cost for that fiscal year as follows: 35649

(a) Divide the average other district administrator salary 35650
for that fiscal year by the average superintendent salary for 35651
that fiscal year; 35652

(b) Divide the district's base cost enrolled ADM for that 35653
fiscal year by 750; 35654

(c) Compute the other district administrator cost in 35655
accordance with the following formula: 35656

{[(The district's superintendent cost for that fiscal year
calculated under division (F) (1) of this section - the amount
specified under division (A) (10) (c) of section 3317.011 of the
Revised Code for that fiscal year) X the quotient obtained under
division (F) (3) (a) of this section] + the amount specified under
division (A) (10) (c) of section 3317.011 of the Revised Code} X
(the greater of the quotient obtained under division (F) (3) (b)
of this section and 2)

(4) Calculate the district's fiscal support cost for that
fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that
fiscal year by 850;

(b) Determine the lesser of the following:

(i) The maximum of the quotient obtained under division
(F) (4) (a) of this section and 2;

(ii) 35.

(c) Compute the fiscal support cost in accordance with the
following formula:

The number obtained under division (F) (4) (b) of this section X
[(the average bookkeeping and accounting employee salary for
that fiscal year X 1.16) + the amount specified under division
(A) (10) (c) of section 3317.011 of the Revised Code for that
fiscal year]

(5) Calculate the district's education management
information system support cost for that fiscal year as follows:

(a) Divide the district's base cost enrolled ADM for that
fiscal year by 5,000;

(b) Compute the education management information system support cost in accordance with the following formula:	35684 35685
(The greater of the quotient obtained under division (F) (5) (a) of this section and 1) X [(the average education management information system support employee salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	35686 35687 35688 35689 35690
(6) Calculate the district's leadership support cost for that fiscal year as follows:	35691 35692
(a) Determine the greater of the quotient obtained under division (F) (3) (b) of this section and 2 and add 1 to that number;	35693 35694 35695
(b) Divide the number obtained under division (F) (6) (a) of this section by 3;	35696 35697
(c) Compute the leadership support cost in accordance with the following formula:	35698 35699
(The greater of the quotient obtained under division (F) (6) (b) of this section and 1) X [(the average administrative assistant salary for that fiscal year X 1.16) + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year]	35700 35701 35702 35703 35704
(7) Calculate the district's information technology center support cost for that fiscal year in accordance with the following formula:	35705 35706 35707
\$31 X the district's base cost enrolled ADM for that fiscal year	35708
(8) Calculate the district's district leadership and accountability base cost for that fiscal year, which equals the sum of divisions (F) (1), (2), (3), (4), (5), (6), and (7) of	35709 35710 35711

this section; 35712

(G) The department shall compute a district's building leadership and operations base cost for a fiscal year as follows: 35713
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(1) Calculate the district's building leadership cost for that fiscal year as follows: 35716
35717

(a) Divide the average principal salary for that fiscal year by the average superintendent salary for that fiscal year; 35718
35719

(b) Divide the district's base cost enrolled ADM for that fiscal year by 450; 35720
35721

(c) Compute the building leadership cost in accordance with the following formula: 35722
35723

{[(The district's superintendent cost for that fiscal year calculated under division (F) (1) of this section - the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year) X the quotient obtained under division (G) (1) (a) of this section] + the amount specified under division (A) (10) (c) of section 3317.011 of the Revised Code for that fiscal year} X the quotient obtained under division (G) (1) (b) of this section 35724
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(2) Calculate the district's building leadership support cost for that fiscal year as follows: 35732
35733

(a) Divide the district's base cost enrolled ADM for that fiscal year by 400; 35734
35735

(b) Determine the number of school buildings in the district for that fiscal year; 35736
35737

(c) Compute the building leadership support cost in 35738

accordance with the following formula: 35739

(i) If the quotient obtained under division (G) (2) (a) of 35740
this section is less than the number obtained under division (G) 35741
(2) (b) of this section, then the district's building leadership 35742
support cost shall be equal to {the number obtained under 35743
division (G) (2) (b) of this section X [(the average clerical 35744
staff salary X 1.16) + the amount specified under division (A) 35745
(10) (c) of section 3317.011 of the Revised Code for that fiscal 35746
year]}. 35747

(ii) If the quotient obtained under division (G) (2) (a) of 35748
this section is greater than or equal to the number obtained 35749
under division (G) (2) (b) of this section, then the district's 35750
building leadership support cost shall be equal to {[the lesser 35751
of (the number obtained under division (G) (2) (b) of this section 35752
X 3) and the quotient obtained under division (G) (2) (a) of this 35753
section] X [(the average clerical staff salary for that fiscal 35754
year X 1.16) + the amount specified under division (A) (10) (c) of 35755
section 3317.011 of the Revised Code for that fiscal year]}. 35756

(3) Compute the district's building operations cost for 35757
that fiscal year in accordance with the following formula: 35758

The district's base cost enrolled ADM for that fiscal year X 35759
[(the number determined under division (G) (3) (a) (i) of section 35760
3317.011 of the Revised Code X the number determined under 35761
division (G) (3) (a) (ii) of section 3317.011 of the Revised Code) 35762
- (the amount determined under division (E) (5) (a) of section 35763
3317.011 of the Revised Code for that fiscal year / the sum 35764
determined under division (E) (5) (b) of section 3317.011 of the 35765
Revised Code for that fiscal year)] 35766

(4) Calculate the district's building leadership and 35767

operations base cost for that fiscal year, which equals the sum 35768
of divisions (G) (1), (2), and (3) of this section. 35769

Sec. 3317.014. (A) The multiples for the following 35770
categories of career-technical education programs approved by 35771
the department of education and workforce under section 3317.161 35772
of the Revised Code shall be as follows: 35773

(1) A multiple of 0.6230 for students enrolled in career- 35774
technical education workforce development programs in 35775
agricultural and environmental systems, construction 35776
technologies, engineering and science technologies, finance, 35777
health science, information technology, and manufacturing 35778
technologies, each of which shall be defined by the department 35779
in consultation with the governor's office of workforce 35780
transformation; 35781

(2) A multiple of 0.5905 for students enrolled in 35782
workforce development programs in business and administration, 35783
hospitality and tourism, human services, law and public safety, 35784
transportation systems, and arts and communications, each of 35785
which shall be defined by the department in consultation with 35786
the governor's office of workforce transformation; 35787

(3) A multiple of 0.2154 for students enrolled in career- 35788
based intervention programs, which shall be defined by the 35789
department in consultation with the governor's office of 35790
workforce transformation; 35791

(4) A multiple of 0.1830 for students enrolled in 35792
workforce development programs in education and training, 35793
marketing, workforce development academics, public 35794
administration, and career development, each of which shall be 35795
defined by the department ~~of education~~ in consultation with the 35796

governor's office of workforce transformation; 35797

(5) A multiple of 0.1570 for students enrolled in family 35798
and consumer science programs, which shall be defined by the 35799
department ~~of education~~ in consultation with the governor's 35800
office of workforce transformation. 35801

(B) The multiple for career-technical education associated 35802
services, as defined by the department, shall be 0.0294. 35803

(C) The department ~~of education~~ shall calculate career- 35804
technical education funds for each funding unit that is a city, 35805
local, exempted village, or joint vocational school district or 35806
the community and STEM school unit as follows: 35807

(1) For fiscal years 2022 and 2023, the sum of the 35808
following: 35809

(a) The funding unit's category one career-technical 35810
education ADM X the multiple specified in division (A) (1) of 35811
this section X the statewide average career-technical base cost 35812
per pupil for that fiscal year X if the funding unit is a city, 35813
local, exempted village, or joint vocational school district, 35814
the district's state share percentage; 35815

(b) The funding unit's category two career-technical 35816
education ADM X the multiple specified in division (A) (2) of 35817
this section X the statewide average career-technical base cost 35818
per pupil for that fiscal year X if the funding unit is a city, 35819
local, exempted village, or joint vocational school district, 35820
the district's state share percentage; 35821

(c) The funding unit's category three career-technical 35822
education ADM X the multiple specified in division (A) (3) of 35823
this section X the statewide average career-technical base cost 35824
per pupil for that fiscal year X if the funding unit is a city, 35825

local, exempted village, or joint vocational school district,	35826
the district's state share percentage;	35827
(d) The funding unit's category four career-technical	35828
education ADM X the multiple specified in division (A) (4) of	35829
this section X the statewide average career-technical base cost	35830
per pupil for that fiscal year X if the funding unit is a city,	35831
local, exempted village, or joint vocational school district,	35832
the district's state share percentage;	35833
(e) The funding unit's category five career-technical	35834
education ADM X the multiple specified in division (A) (5) of	35835
this section X the statewide average career-technical base cost	35836
per pupil for that fiscal year X if the funding unit is a city,	35837
local, exempted village, or joint vocational school district,	35838
the district's state share percentage.	35839
(2) For fiscal year 2024 and each fiscal year thereafter,	35840
the sum of the following:	35841
(a) An amount calculated in a manner determined by the	35842
general assembly times the funding unit's category one career-	35843
technical education ADM;	35844
(b) An amount calculated in a manner determined by the	35845
general assembly times the funding unit's category two career-	35846
technical education ADM;	35847
(c) An amount calculated in a manner determined by the	35848
general assembly times the funding unit's category three career-	35849
technical education ADM;	35850
(d) An amount calculated in a manner determined by the	35851
general assembly times the funding unit's category four career-	35852
technical education ADM;	35853

(e) An amount calculated in a manner determined by the 35854
general assembly times the funding unit's category five career- 35855
technical education ADM. 35856

(3) Payment of funds calculated under division (C) of this 35857
section is subject to approval under section 3317.161 of the 35858
Revised Code. 35859

(D) Subject to division (I) of section 3317.023 of the 35860
Revised Code, the department shall calculate career-technical 35861
associated services funds for each funding unit that is a city, 35862
local, exempted village, or joint vocational school district or 35863
the community and STEM school unit as follows: 35864

(1) For fiscal years 2022 and 2023, the following product: 35865

(If the funding unit is a city, local, exempted village, or 35866
joint vocational school district, the funding unit's state share 35867
percentage) X the multiple for career-technical education 35868
associated services specified under division (B) of this section 35869
X the statewide average career-technical base cost per pupil for 35870
that fiscal year X the sum of the funding unit's categories one 35871
through five career-technical education ADM 35872

(2) For fiscal year 2024 and each fiscal year thereafter, 35873
an amount calculated in a manner determined by the general 35874
assembly times the funding unit's categories one through five 35875
career-technical education ADM. 35876

(E) (1) In accordance with division (I) of section 3317.023 35877
of the Revised Code, the department shall compute career 35878
awareness and exploration funds for each city, local, exempted 35879
village, and joint vocational school district, community school 35880
established under Chapter 3314. of the Revised Code, and STEM 35881
school established under Chapter 3326. of the Revised Code that 35882

is part of a career technical planning district. The department 35883
shall pay the lead district in each career technical planning 35884
district as follows: 35885

(a) For fiscal years 2022 and 2023, an amount equal to the 35886
following product: 35887

The sum of enrolled ADM for all districts and schools within the 35888
career technical planning district X \$2.50, for fiscal year 35889
2022, or \$5, for fiscal year 2023 35890

(b) For fiscal year 2024 and each fiscal year thereafter, 35891
an amount calculated in a manner determined by the general 35892
assembly, if the general assembly authorizes such a payment to 35893
city, local, exempted village, and joint vocational school 35894
districts, community schools, and STEM schools. 35895

(2) The lead district of a career technical planning 35896
district shall use career awareness and exploration funds in 35897
accordance with division (H) of this section. 35898

(F)(1) In any fiscal year, a school district receiving 35899
funds calculated under division (C) of this section shall spend 35900
those funds only for the purposes that the department designates 35901
as approved for career-technical education expenses. Career- 35902
technical education expenses approved by the department shall 35903
include only expenses connected to the delivery of career- 35904
technical programming to career-technical students. The 35905
department shall require the school district to report data 35906
annually so that the department may monitor the district's 35907
compliance with the requirements regarding the manner in which 35908
funding calculated under division (C) of this section may be 35909
spent. 35910

(2) All funds received under division (C) of this section 35911

shall be spent in the following manner: 35912

(a) At least seventy-five per cent of the funds shall be 35913
spent on curriculum development, purchase, and implementation; 35914
instructional resources and supplies; industry-based program 35915
certification; student assessment, credentialing, and placement; 35916
curriculum specific equipment purchases and leases; career- 35917
technical student organization fees and expenses; home and 35918
agency linkages; work-based learning experiences; professional 35919
development; and other costs directly associated with career- 35920
technical education programs including development of new 35921
programs. 35922

(b) Not more than twenty-five per cent of the funds shall 35923
be used for personnel expenditures. 35924

(G) In any fiscal year, a school district receiving funds 35925
calculated under division (D) of this section, or through a 35926
transfer of funds pursuant to division (I) of section 3317.023 35927
of the Revised Code, shall spend those funds only for the 35928
purposes that the department designates as approved for career- 35929
technical education associated services expenses, which may 35930
include such purposes as apprenticeship coordinators, 35931
coordinators for other career-technical education services, 35932
career-technical evaluation, and other purposes designated by 35933
the department. The department may deny payment of funds 35934
calculated under division (D) of this section to any district 35935
that the department determines is not operating those services 35936
or is using funds calculated under division (D) of this section, 35937
or through a transfer of funds pursuant to division (I) of 35938
section 3317.023 of the Revised Code, for other purposes. 35939

(H) In any fiscal year, a lead district of a career- 35940
technical planning district receiving funds under division (E) 35941

of this section, shall utilize those funds to deliver relevant 35942
career awareness and exploration programs to all students within 35943
its career technical planning district in a manner that is 35944
consistent with the career-technical planning district's plan 35945
that is on file with the department ~~of education~~. The lead 35946
district that receives funds under this division shall spend 35947
those funds only for the following purposes: 35948

(1) Delivery of career awareness programs to students 35949
enrolled in grades kindergarten through twelve; 35950

(2) Provision of a common, consistent curriculum to 35951
students throughout their primary and secondary education; 35952

(3) Assistance to teachers in providing a career 35953
development curriculum to students; 35954

(4) Development of a career development plan for each 35955
student that stays with that student for the duration of the 35956
student's primary and secondary education; 35957

(5) Provision of opportunities for students to engage in 35958
activities, such as career fairs, hands-on experiences, and job 35959
shadowing, across all career pathways at each grade level. 35960

The department may deny payment under this division to any 35961
district or school that the department determines is using funds 35962
paid under this division for other purposes. 35963

Sec. 3317.015. (A) In addition to the information 35964
certified to the department of education and workforce and the 35965
office of budget and management under division (A) of section 35966
3317.021 of the Revised Code, the tax commissioner shall, at the 35967
same time, certify the following information to the department 35968
and the office of budget and management for each city, exempted 35969
village, and local school district to be used for the same 35970

purposes as described under that division: 35971

(1) The taxable value of the school district's carryover 35972
property, as defined in section 319.301 of the Revised Code, for 35973
the preceding tax year; 35974

(2) The increase in such carryover value, if any, between 35975
the second preceding tax year and the preceding tax year as used 35976
in calculating the percentage reduction under section 319.301 of 35977
the Revised Code. 35978

(B) For each fiscal year the department of education and 35979
workforce shall calculate each school district's recognized 35980
valuation in the following manner: 35981

(1) For a school district located in a county in which a 35982
reappraisal or triennial update occurred in the preceding tax 35983
year, the recognized valuation equals the district's total 35984
taxable value for the preceding tax year minus two-thirds times 35985
the increase in the carryover value from the second preceding 35986
tax year to the preceding tax year. 35987

(2) For a school district located in a county in which a 35988
reappraisal or triennial update occurred in the second preceding 35989
tax year, the recognized valuation equals the district's total 35990
taxable value for the preceding tax year minus one-third times 35991
the increase in the carryover value from the third preceding tax 35992
year to the second preceding tax year. 35993

(3) For a school district located in a county in which a 35994
reappraisal or triennial update occurred in the third preceding 35995
tax year, the recognized valuation equals the district's total 35996
taxable value for the preceding tax year. 35997

Sec. 3317.017. This section shall apply only for fiscal 35998
years 2022 and 2023. 35999

(A) The department of education and workforce shall 36000
compute a city, local, or exempted village school district's 36001
per-pupil local capacity amount for a fiscal year as follows: 36002

(1) Calculate the district's valuation per pupil for that 36003
fiscal year as follows: 36004

(a) Determine the minimum of the district's three-year 36005
average valuation for the fiscal year for which the calculation 36006
is made and the district's taxable value for the most recent tax 36007
year for which data is available; 36008

(b) Divide the amount determined under division (A) (1) (a) 36009
of this section by the district's base cost enrolled ADM for the 36010
fiscal year for which the calculation is made. 36011

(2) Calculate the district's local share federal adjusted 36012
gross income per pupil for that fiscal year as follows: 36013

(a) Determine the minimum of the following: 36014

(i) The average of the total federal adjusted gross income 36015
of the district's residents for the three most recent tax years 36016
for which data is available, as certified under section 3317.021 36017
of the Revised Code; 36018

(ii) The total federal adjusted gross income of the 36019
district's residents for the most recent tax year for which data 36020
is available, as certified under section 3317.021 of the Revised 36021
Code. 36022

(b) Divide the amount determined under division (A) (2) (a) 36023
of this section by the district's base cost enrolled ADM for the 36024
fiscal year for which the calculation is made. 36025

(3) Calculate the district's adjusted local share federal 36026
adjusted gross income per pupil for that fiscal year as follows: 36027

(a) Determine both of the following:	36028
(i) The median federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code;	36029 36030 36031 36032
(ii) The number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code.	36033 36034 36035 36036
(b) Compute the product of divisions (A) (3) (a) (i) and (ii) of this section;	36037 36038
(c) Divide the amount determined under division (A) (3) (b) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made.	36039 36040 36041
(4) Calculate the district's per-pupil local capacity percentage as follows:	36042 36043
(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A) (3) (a) (i) of this section for that fiscal year;	36044 36045 36046
(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A) (3) (a) (i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A) (4) (a) of this section;	36047 36048 36049 36050 36051
(c) Rank all school districts in order of the ratios calculated under division (A) (4) (b) of this section, from the district with the highest ratio calculated under division (A) (4) (b) of this section to the district with the lowest ratio	36052 36053 36054 36055

calculated under division (A) (4) (b) of this section; 36056

(d) Determine the district's per-pupil local capacity 36057
percentage as follows: 36058

(i) If the ratio calculated for the district under 36059
division (A) (4) (b) of this section is greater than or equal to 36060
the ratio calculated under division (A) (4) (b) of this section 36061
for the district with the fortieth highest ratio as determined 36062
under division (A) (4) (c) of this section, the district's per- 36063
pupil local capacity percentage shall be equal to 0.025. 36064

(ii) If the ratio calculated for the district under 36065
division (A) (4) (b) of this section is less than the ratio 36066
calculated under division (A) (4) (b) of this section for the 36067
district with the fortieth highest ratio as determined under 36068
division (A) (4) (c) of this section but greater than 1.0, the 36069
district's per-pupil local capacity percentage shall be equal to 36070
an amount calculated as follows: 36071

{[(The ratio calculated for the district under division 36072
(A) (4) (b) of this section - 1) X 0.0025]/ (the ratio calculated 36073
under division (A) (4) (b) of this section for the district with 36074
the fortieth highest ratio as determined under division (A) (4) 36075
(c) of this section - 1)} + 0.0225 36076

(iii) If the ratio calculated for the district under 36077
division (A) (4) (b) of this section is less than or equal to 1.0, 36078
the district's per-pupil local capacity percentage shall be 36079
equal to the amount calculated under division (A) (4) (b) of this 36080
section times 0.0225. 36081

(5) Calculate the district's per-pupil local capacity 36082
amount for that fiscal year as follows: 36083

(The district's valuation per pupil calculated under division 36084

(A) (1) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A) (4) of this section X 0.60) + (the district's local share adjusted federal gross income per pupil calculated under division (A) (2) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A) (4) of this section X 0.20) + (the district's adjusted local share federal adjusted gross income per pupil calculated under division (A) (3) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A) (4) of this section X 0.20)

(B) The department shall compute a city, local, or exempted village school district's state share for a fiscal year as follows:

(1) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is greater than 0.95, then the district's state share shall be equal to (the district's base cost per pupil for that fiscal year X 0.05 X the district's enrolled ADM for that fiscal year).

(2) If the district's per-pupil local capacity amount for that fiscal year divided by the district's base cost per pupil for that fiscal year is less than or equal to 0.95, then the district's state share for that fiscal year shall be equal to [(the district's base cost per pupil for that fiscal year - the district's per-pupil local capacity amount for that fiscal year) X the district's enrolled ADM for that fiscal year].

(C) The department shall compute a city, local, or exempted village school district's state share percentage for a fiscal year as follows:

(the district's base cost per pupil amount for that fiscal year 36115
- the district's per pupil local capacity amount for that fiscal 36116
year)/(the district's base cost per pupil amount for that fiscal 36117
year). 36118

If the result is less than 0.05, the state share percentage 36119
shall be 0.05. 36120

Sec. 3317.019. (A) (1) Subject to division (C) of this 36121
section, for fiscal years 2022 and 2023, the department of 36122
education and workforce shall pay temporary transitional aid to 36123
each city, local, and exempted village school district according 36124
to the following formula: 36125

(The district's funding base, as that term is defined in section 36126
3317.02 of the Revised Code) - (the district's payment under 36127
section 3317.022 of the Revised Code - the district's payment 36128
for supplemental targeted assistance under section 3317.0218 of 36129
the Revised Code for the fiscal year for which each payment is 36130
computed) 36131

If the computation made under division (A) (1) of this 36132
section results in a negative number, the district's funding 36133
under division (A) (1) of this section shall be zero. 36134

(2) For fiscal years 2022 and 2023, the department shall 36135
pay temporary transitional transportation aid to that district 36136
according to the following formula: 36137

(The amount calculated for the district for fiscal year 2020 36138
under division (A) (2) of Section 265.220 of H.B. 166 of the 36139
133rd general assembly, prior to any funding reductions 36140
authorized by Executive Order 2020-19D, "Implementing Additional 36141
Spending Controls to Balance the State Budget" issued on May 7, 36142
2020) - (the district's payment for fiscal year 2019 under 36143

division (D) (2) of section 3314.091 of the Revised Code as that 36144
division existed prior to September 30, 2021) - (the district's 36145
payment under section 3317.0212 of the Revised Code for the 36146
fiscal year for which the payment is computed) 36147

If the computation made under division (A) (2) of this 36148
section results in a negative number, the district's funding 36149
under division (A) (2) of this section shall be zero. 36150

(B) If a local school district participates in the 36151
establishment of a joint vocational school district that begins 36152
receiving payments under section 3317.16 of the Revised Code for 36153
fiscal year 2022 or fiscal year 2023, but does not receive 36154
payments for the fiscal year immediately preceding that fiscal 36155
year, the department shall adjust, as necessary, the district's 36156
funding base, as that term is defined in section 3317.02 of the 36157
Revised Code, according to the amounts received by the district 36158
in the immediately preceding fiscal year for career-technical 36159
education students who attend the newly established joint 36160
vocational school district. 36161

(C) (1) For purposes of division (C) of this section, a 36162
district's "decrease threshold" for a fiscal year is the greater 36163
of the following: 36164

(a) Twenty; 36165

(b) Ten per cent of the number of the district's students 36166
counted under division (A) (1) (b) of section 3317.03 of the 36167
Revised Code for the previous fiscal year. 36168

(2) For fiscal years 2022 and 2023, if a district has 36169
fewer students counted under division (A) (1) (b) of section 36170
3317.03 of the Revised Code for that fiscal year than for the 36171
previous fiscal year and the positive difference between those 36172

two student counts is greater than or equal to the district's 36173
decrease threshold for that fiscal year, the amount paid to the 36174
district under division (A) of this section shall be reduced by 36175
the following amount: 36176

The statewide average base cost per pupil X [(the positive 36177
difference between the number of the district's students counted 36178
under division (A) (1) (b) of section 3317.03 of the Revised Code 36179
for that fiscal year and the number of the district's students 36180
counted under that division for the previous fiscal year) - the 36181
district's decrease threshold for that fiscal year] 36182

At no time, however, shall the amount paid to a district 36183
under division (A) of this section be less than zero. 36184

Sec. 3317.02. As used in this chapter: 36185

(A) "Alternative school" has the same meaning as in 36186
section 3313.974 of the Revised Code. 36187

(B) "Autism scholarship unit" means a unit that consists 36188
of all of the students for whom autism scholarships are awarded 36189
under section 3310.41 of the Revised Code. 36190

(C) For fiscal years 2022 and 2023, a district's "base 36191
cost enrolled ADM" for a fiscal year means the greater of the 36192
following: 36193

(1) The district's enrolled ADM for the previous fiscal 36194
year; 36195

(2) The average of the district's enrolled ADM for the 36196
previous three fiscal years. 36197

(D) (1) "Base cost per pupil" means the following for a 36198
city, local, or exempted village school district: 36199

(a) For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under section 3317.011 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(2) "Base cost per pupil" means the following for a joint vocational school district:

(a) For fiscal years 2022 and 2023, the aggregate base cost calculated for that district for that fiscal year under section 3317.012 of the Revised Code divided by the district's base cost enrolled ADM for that fiscal year;

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(E) (1) "Category one career-technical education ADM" means the enrollment of students during the school year on a full-time equivalency basis in career-technical education programs described in division (A) (1) of section 3317.014 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B) (11) or (D) (2) (h) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under divisions (B) (4) and (5) of section 3314.08 of the Revised Code and division (D) of section 3326.32 of the Revised Code.

(2) "Category two career-technical education ADM" means the enrollment of students during the school year on a full-time

equivalency basis in career-technical education programs 36229
described in division (A) (2) of section 3317.014 of the Revised 36230
Code and, in the case of a funding unit that is a city, local, 36231
exempted village, or joint vocational school district, certified 36232
under division (B) (12) or (D) (2) (i) of section 3317.03 of the 36233
Revised Code or, in the case of the community and STEM school 36234
unit, reported by all community and STEM schools statewide under 36235
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36236
and division (D) of section 3326.32 of the Revised Code. 36237

(3) "Category three career-technical education ADM" means 36238
the enrollment of students during the school year on a full-time 36239
equivalency basis in career-technical education programs 36240
described in division (A) (3) of section 3317.014 of the Revised 36241
Code and, in the case of a funding unit that is a city, local, 36242
exempted village, or joint vocational school district, certified 36243
under division (B) (13) or (D) (2) (j) of section 3317.03 of the 36244
Revised Code or, in the case of the community and STEM school 36245
unit, reported by all community and STEM schools statewide under 36246
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36247
and division (D) of section 3326.32 of the Revised Code. 36248

(4) "Category four career-technical education ADM" means 36249
the enrollment of students during the school year on a full-time 36250
equivalency basis in career-technical education programs 36251
described in division (A) (4) of section 3317.014 of the Revised 36252
Code and, in the case of a funding unit that is a city, local, 36253
exempted village, or joint vocational school district, certified 36254
under division (B) (14) or (D) (2) (k) of section 3317.03 of the 36255
Revised Code or, in the case of the community and STEM school 36256
unit, reported by all community and STEM schools statewide under 36257
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36258
and division (D) of section 3326.32 of the Revised Code. 36259

(5) "Category five career-technical education ADM" means 36260
the enrollment of students during the school year on a full-time 36261
equivalency basis in career-technical education programs 36262
described in division (A) (5) of section 3317.014 of the Revised 36263
Code and, in the case of a funding unit that is a city, local, 36264
exempted village, or joint vocational school district, certified 36265
under division (B) (15) or (D) (2) (1) of section 3317.03 of the 36266
Revised Code or, in the case of the community and STEM school 36267
unit, reported by all community and STEM schools statewide under 36268
divisions (B) (4) and (5) of section 3314.08 of the Revised Code 36269
and division (D) of section 3326.32 of the Revised Code. 36270

(F) (1) "Category one English learner ADM" means the full- 36271
time equivalent number of English learners described in division 36272
(A) of section 3317.016 of the Revised Code and, in the case of 36273
a funding unit that is a city, local, exempted village, or joint 36274
vocational school district, certified under division (B) (16) or 36275
(D) (2) (m) of section 3317.03 of the Revised Code or, in the case 36276
of the community and STEM school unit, reported by all community 36277
and STEM schools statewide under division (B) (6) of section 36278
3314.08 of the Revised Code and division (E) of section 3326.32 36279
of the Revised Code. 36280

(2) "Category two English learner ADM" means the full-time 36281
equivalent number of English learners described in division (B) 36282
of section 3317.016 of the Revised Code and, in the case of a 36283
funding unit that is a city, local, exempted village, or joint 36284
vocational school district, certified under division (B) (17) or 36285
(D) (2) (n) of section 3317.03 of the Revised Code or, in the case 36286
of the community and STEM school unit, reported by all community 36287
and STEM schools statewide under division (B) (6) of section 36288
3314.08 of the Revised Code and division (E) of section 3326.32 36289
of the Revised Code. 36290

(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code.

(G)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code.

(2) "Category two special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for those disabilities specified in division (B) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(6) or (D)(2)(c) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of

section 3326.32 of the Revised Code. 36322

(3) "Category three special education ADM" means the full- 36323
time equivalent number of students receiving special education 36324
services for those disabilities specified in division (C) of 36325
section 3317.013 of the Revised Code, and, in the case of a 36326
funding unit that is a city, local, exempted village, or joint 36327
vocational school district, certified under division (B)(7) or 36328
(D)(2)(d) of section 3317.03 of the Revised Code or, in the case 36329
of the community and STEM school unit, reported by all community 36330
and STEM schools statewide under division (B)(3) of section 36331
3314.08 of the Revised Code and division (C) of section 3326.32 36332
of the Revised Code. 36333

(4) "Category four special education ADM" means the full- 36334
time equivalent number of students receiving special education 36335
services for those disabilities specified in division (D) of 36336
section 3317.013 of the Revised Code and, in the case of a 36337
funding unit that is a city, local, exempted village, or joint 36338
vocational school district, certified under division (B)(8) or 36339
(D)(2)(e) of section 3317.03 of the Revised Code or, in the case 36340
of the community and STEM school unit, reported by all community 36341
and STEM schools statewide under division (B)(3) of section 36342
3314.08 of the Revised Code and division (C) of section 3326.32 36343
of the Revised Code. 36344

(5) "Category five special education ADM" means the full- 36345
time equivalent number of students receiving special education 36346
services for the disabilities specified in division (E) of 36347
section 3317.013 of the Revised Code and, in the case of a 36348
funding unit that is a city, local, exempted village, or joint 36349
vocational school district, certified under division (B)(9) or 36350
(D)(2)(f) of section 3317.03 of the Revised Code or, in the case 36351

of the community and STEM school unit, reported by all community 36352
and STEM schools statewide under division (B) (3) of section 36353
3314.08 of the Revised Code and division (C) of section 3326.32 36354
of the Revised Code. 36355

(6) "Category six special education ADM" means the full- 36356
time equivalent number of students receiving special education 36357
services for the disabilities specified in division (F) of 36358
section 3317.013 of the Revised Code and, in the case of a 36359
funding unit that is a city, local, exempted village, or joint 36360
vocational school district certified under division (B) (10) or 36361
(D) (2) (g) of section 3317.03 of the Revised Code or, in the case 36362
of the community and STEM school unit, reported by all community 36363
and STEM schools statewide under division (B) (3) of section 36364
3314.08 of the Revised Code and division (C) of section 3326.32 36365
of the Revised Code. 36366

(H) "Community and STEM school unit" means a unit that 36367
consists of all of the students enrolled in community schools 36368
established under Chapter 3314. of the Revised Code and science, 36369
technology, engineering, and mathematics schools established 36370
under Chapter 3326. of the Revised Code. 36371

(I) (1) "Economically disadvantaged index for a school 36372
district" means the following: 36373

(a) For fiscal years 2022 and 2023, the square of the 36374
quotient of that district's percentage of students in its 36375
enrolled ADM who are identified as economically disadvantaged as 36376
defined by the department of education and workforce, divided by 36377
the percentage of students in the statewide ADM identified as 36378
economically disadvantaged. For purposes of this calculation: 36379

(i) For a city, local, or exempted village school 36380

district, the "statewide ADM" equals the sum of the following: 36381

(I) The enrolled ADM for all city, local, and exempted 36382
village school districts combined; 36383

(II) The statewide enrollment of students in community 36384
schools established under Chapter 3314. of the Revised Code; 36385

(III) The statewide enrollment of students in science, 36386
technology, engineering, and mathematics schools established 36387
under Chapter 3326. of the Revised Code. 36388

(ii) For a joint vocational school district, the 36389
"statewide ADM" equals the sum of the enrolled ADM for all joint 36390
vocational school districts combined. 36391

(b) For fiscal year 2024 and each fiscal year thereafter, 36392
an index calculated in a manner determined by the general 36393
assembly. 36394

(2) "Economically disadvantaged index for a community or 36395
STEM school" means the following: 36396

(a) For fiscal years 2022 and 2023, the square of the 36397
quotient of the percentage of students enrolled in the school 36398
who are identified as economically disadvantaged as defined by 36399
the department ~~of education~~, divided by the percentage of 36400
students in the statewide ADM identified as economically 36401
disadvantaged. For purposes of this calculation, the "statewide 36402
ADM" equals the "statewide ADM" for city, local, and exempted 36403
village school districts described in division (I) (1) (a) (i) of 36404
this section. 36405

(b) For fiscal year 2024 and each fiscal year thereafter, 36406
an index calculated in a manner determined by the general 36407
assembly. 36408

(J) "Educational choice scholarship unit" means a unit 36409
that consists of all of the students for whom educational choice 36410
scholarships are awarded under sections 3310.03 and 3310.032 of 36411
the Revised Code. 36412

(K) "Enrolled ADM" means the following: 36413

(1) For a city, local, or exempted village school 36414
district, the enrollment reported under division (A) of section 36415
3317.03 of the Revised Code, as verified by the ~~superintendent-~~ 36416
~~of public instruction department~~ and adjusted if so ordered 36417
under division (K) of that section, and as further adjusted by 36418
the ~~department-of-education~~, as follows: 36419

(a) Add the students described in division (A) (1) (b) of 36420
section 3317.03 of the Revised Code; 36421

(b) Subtract the students counted under divisions (A) (2) 36422
(a), (b), (d), (g), (h), (i), and (j) of section 3317.03 of the 36423
Revised Code; 36424

(c) Count only twenty per cent of the number of joint 36425
vocational school district students counted under division (A) 36426
(3) of section 3317.03 of the Revised Code; 36427

(d) Add twenty per cent of the number of students who are 36428
entitled to attend school in the district under section 3313.64 36429
or 3313.65 of the Revised Code and are enrolled in another 36430
school district under a career-technical education compact; 36431

(e) Add twenty per cent of the number of students 36432
described in division (A) (1) (b) of section 3317.03 of the 36433
Revised Code who enroll in a joint vocational school district or 36434
under a career-technical education compact. 36435

(2) For a joint vocational school district, the final 36436

number verified by the ~~superintendent of public instruction~~
department, based on the enrollment reported and certified under
division (D) of section 3317.03 of the Revised Code, as
adjusted, if so ordered, under division (K) of that section, and
as further adjusted by the department ~~of education~~ by adding the
students described in division (D) (1) (b) of section 3317.03 of
the Revised Code;

(3) For the community and STEM school unit, the sum of the
number of students reported as enrolled in community schools
under divisions (B) (1) and (2) of section 3314.08 of the Revised
Code and the number of students reported as enrolled in STEM
schools under division (A) of section 3326.32 of the Revised
Code;

(4) For the educational choice scholarship unit, the
number of students for whom educational choice scholarships are
awarded under sections 3310.03 and 3310.032 of the Revised Code
as reported under division (A) (2) (g) of section 3317.03 of the
Revised Code;

(5) For the pilot project scholarship unit, the number of
students for whom pilot project scholarships are awarded under
sections 3313.974 to 3313.979 of the Revised Code as reported
under division (A) (2) (b) of section 3317.03 of the Revised Code;

(6) For the autism scholarship unit, the number of
students for whom autism scholarships are awarded under section
3310.41 of the Revised Code as reported under division (A) (2) (h)
of section 3317.03 of the Revised Code;

(7) For the Jon Peterson special needs scholarship unit,
the number of students for whom Jon Peterson special needs
scholarships are awarded under sections 3310.51 to 3310.64 of

the Revised Code as reported under division (A) (2) (h) of section 3317.03 of the Revised Code. 36466
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(L) (1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the ~~superintendent of public instruction department~~ and adjusted if so ordered under division (K) of that section, and as further adjusted by the ~~department of education~~, as follows: 36468
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(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A) (3) of section 3317.03 of the Revised Code; 36474
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(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact. 36477
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(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the ~~superintendent of public instruction department~~, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section. 36481
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(M) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the ~~department of education~~ pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in 36487
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enrolled ADM and formula ADM. 36495

(N) For fiscal years 2022 and 2023, "funding base" means, 36496
for a city, local, or exempted village school district, the sum 36497
of the following as calculated by the department: 36498

(1) The district's "general funding base," which equals 36499
the amount calculated as follows: 36500

(a) Compute the sum of the following: 36501

(i) The amount calculated for the district for fiscal year 36502
2020 under division (A) (1) of Section 265.220 of H.B. 166 of the 36503
133rd general assembly after any adjustments required under 36504
Section 265.227 of H.B. 166 of the 133rd general assembly and 36505
prior to any funding reductions authorized by Executive Order 36506
2020-19D, "Implementing Additional Spending Controls to Balance 36507
the State Budget" issued on May 7, 2020; 36508

(ii) Either of the following: 36509

(I) For fiscal year 2022, the district's payments for 36510
fiscal year 2020 under divisions (C) (1), (2), (3), and (4) of 36511
section 3313.981 of the Revised Code as those divisions existed 36512
prior to September 30, 2021; 36513

(II) For fiscal year 2023, the district's payments for 36514
fiscal year 2020 under divisions (C) (1), (3), and (4) of section 36515
3313.981 of the Revised Code as those divisions existed prior to 36516
September 30, 2021. 36517

(b) Subtract from the amount calculated in division (N) (1) 36518
(a) of this section the sum of the following: 36519

(i) The following difference: 36520

(The amount paid to the district under division (A) (5) of 36521

section 3317.022 of the Revised Code, as that division existed 36522
prior to September 30, 2021, for fiscal year 2019) - (the 36523
amounts deducted from the district and paid to a community 36524
school under division (C) (1) (e) of section 3314.08 of the 36525
Revised Code or a science, technology, engineering, and 36526
mathematics school under division (E) of section 3326.33 of the 36527
Revised Code as those divisions existed prior to September 30, 36528
2021, for fiscal year 2020 in accordance with division (A) of 36529
Section 265.235 of H.B. 166 of the 133rd general assembly) 36530

(ii) The payments deducted from the district and paid to a 36531
community school for fiscal year 2020 under divisions (C) (1) (a), 36532
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the 36533
Revised Code as those divisions existed prior to September 30, 36534
2021, in accordance with division (A) of Section 265.230 of H.B. 36535
166 of the 133rd general assembly; 36536

(iii) The payments deducted from the district and paid to 36537
a science, technology, engineering, and mathematics school for 36538
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), 36539
and (G) of section 3326.33 of the Revised Code as those 36540
divisions existed prior to September 30, 2021, in accordance 36541
with division (A) of Section 265.235 of H.B. 166 of the 133rd 36542
general assembly; 36543

(iv) The payments deducted from the district under 36544
division (C) of section 3310.08 of the Revised Code as that 36545
division existed prior to September 30, 2021, division (C) (2) of 36546
section 3310.41 of the Revised Code as that division existed 36547
prior to September 30, 2021, and former section 3310.55 of the 36548
Revised Code for fiscal year 2020 and, in the case of a pilot 36549
project school district as defined in section 3313.975 of the 36550
Revised Code, the funds deducted from the district under Section 36551

265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) Either of the following:

(I) For fiscal year 2022, the payments subtracted from the district for fiscal year 2020 under divisions (B) (1), (2), and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;

(II) For fiscal year 2023, the payments subtracted from the district for fiscal year 2020 under divisions (B) (1) and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference:

(The amount paid to the district under division (A) (5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C) (1) (e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)

(O) For fiscal years 2022 and 2023, "funding base" means, for a joint vocational school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:	36581
(i) The district's payments for fiscal year 2020 under Section 265.225 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly;	36582 36583 36584 36585
(ii) Either of the following:	36586
(I) For fiscal year 2022, the district's payments for fiscal year 2020 under divisions (D) (1), (2), and (E) (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;	36587 36588 36589 36590
(II) For fiscal year 2023, the district's payments for fiscal year 2020 under divisions (D) (1) and (2) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.	36591 36592 36593 36594
(b) Subtract from the amount paid to the district under division (A) (3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019.	36595 36596 36597 36598
(2) The district's "disadvantaged pupil impact aid funding base," which equals the amount paid to the district under division (A) (3) of section 3317.16 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019.	36599 36600 36601 36602 36603
(P) For fiscal years 2022 and 2023, "funding base" for a community school means the following:	36604 36605
(1) For a community school that was in operation for the entirety of fiscal year 2020, the amount paid to the school for that fiscal year under division (C) (1) of section 3314.08 of the	36606 36607 36608

Revised Code as that division existed prior to September 30, 36609
2021, in accordance with division (A) of Section 265.230 of H.B. 36610
166 of the 133rd general assembly and the amount, if any, paid 36611
to the school for that fiscal year under section 3314.085 of the 36612
Revised Code in accordance with division (B) of Section 265.230 36613
of H.B. 166 of the 133rd general assembly; 36614

(2) For a community school that was in operation for part 36615
of fiscal year 2020, the amount that would have been paid to the 36616
school for that fiscal year under division (C) (1) of section 36617
3314.08 of the Revised Code as that division existed prior to 36618
September 30, 2021, in accordance with division (A) of Section 36619
265.230 of H.B. 166 of the 133rd general assembly if the school 36620
had been in operation for the entirety of that fiscal year, as 36621
calculated by the department, and the amount that would have 36622
been paid to the school for that fiscal year under section 36623
3314.085 of the Revised Code in accordance with division (B) of 36624
Section 265.230 of H.B. 166 of the 133rd general assembly, if 36625
any, if the school had been in operation for the entirety of 36626
that fiscal year, as calculated by the department; 36627

(3) For a community school that was not in operation for 36628
fiscal year 2020, the amount that would have been paid to the 36629
school if it was in operation for that school year under 36630
division (C) (1) of section 3314.08 of the Revised Code as that 36631
division existed prior to September 30, 2021, in accordance with 36632
division (A) of Section 265.230 of H.B. 166 of the 133rd general 36633
assembly if the school had been in operation for the entirety of 36634
that fiscal year, as calculated by the department, and the 36635
amount that would have been paid to the school for that fiscal 36636
year under section 3314.085 of the Revised Code in accordance 36637
with division (B) of Section 265.230 of H.B. 166 of the 133rd 36638
general assembly, if any, if the school had been in operation 36639

for the entirety of that fiscal year, as calculated by the 36640
department. 36641

(Q) For fiscal years 2022 and 2023, "funding base" for a 36642
STEM school means the following: 36643

(1) For a science, technology, engineering, and 36644
mathematics school that was in operation for the entirety of 36645
fiscal year 2020, the amount paid to the school for that fiscal 36646
year under section 3326.33 of the Revised Code as that section 36647
existed prior to September 30, 2021, in accordance with division 36648
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 36649
and the amount, if any, paid to the school for that fiscal year 36650
under section 3326.41 of the Revised Code in accordance with 36651
division (B) of Section 265.235 of H.B. 166 of the 133rd general 36652
assembly; 36653

(2) For a science, technology, engineering, and 36654
mathematics school that was in operation for part of fiscal year 36655
2020, the amount that would have been paid to the school for 36656
that fiscal year under section 3326.33 of the Revised Code as 36657
that section existed prior to September 30, 2021, in accordance 36658
with division (A) of Section 265.235 of H.B. 166 of the 133rd 36659
general assembly if the school had been in operation for the 36660
entirety of that fiscal year, as calculated by the department, 36661
and the amount that would have been paid to the school for that 36662
fiscal year under section 3326.41 of the Revised Code in 36663
accordance with division (B) of Section 265.235 of H.B. 166 of 36664
the 133rd general assembly, if any, if the school had been in 36665
operation for the entirety of that fiscal year, as calculated by 36666
the department; 36667

(3) For a science, technology, engineering, and 36668
mathematics school that was not in operation for fiscal year 36669

2020, the amount that would have been paid to the school if it 36670
was in operation for that school year under section 3326.33 of 36671
the Revised Code as that section existed prior to September 30, 36672
2021, in accordance with division (A) of Section 265.235 of H.B. 36673
166 of the 133rd general assembly if the school had been in 36674
operation for the entirety of that fiscal year, as calculated by 36675
the department, and the amount that would have been paid to the 36676
school for that fiscal year under section 3326.41 of the Revised 36677
Code in accordance with division (B) of Section 265.235 of H.B. 36678
166 of the 133rd general assembly, if any, if the school had 36679
been in operation for the entirety of that fiscal year, as 36680
calculated by the department. 36681

(R) "Funding unit" means any of the following: 36682

(1) A city, local, exempted village, or joint vocational 36683
school district; 36684

(2) The community and STEM school unit; 36685

(3) The educational choice scholarship unit; 36686

(4) The pilot project scholarship unit; 36687

(5) The autism scholarship unit; 36688

(6) The Jon Peterson special needs scholarship unit. 36689

(S) "Jon Peterson special needs scholarship unit" means a 36690
unit that consists of all of the students for whom Jon Peterson 36691
scholarships are awarded under sections 3310.51 to 3310.64 of 36692
the Revised Code. 36693

(T) "Internet- or computer-based community school" has the 36694
same meaning as in section 3314.02 of the Revised Code. 36695

(U) "LRE student with a disability" means a child with a 36696

disability who has an individualized education program providing 36697
for the student to spend more than half of each school day in a 36698
regular school setting with nondisabled students. For purposes 36699
of this division, "individualized education program" and "child 36700
with a disability" have the same meanings as in section 3323.01 36701
of the Revised Code, and "LRE" is an abbreviation for "least 36702
restrictive environment." 36703

(V) "Medically fragile child" means a child to whom all of 36704
the following apply: 36705

(1) The child requires the services of a doctor of 36706
medicine or osteopathic medicine at least once a week due to the 36707
instability of the child's medical condition. 36708

(2) The child requires the services of a registered nurse 36709
on a daily basis. 36710

(3) The child is at risk of institutionalization in a 36711
hospital, skilled nursing facility, or intermediate care 36712
facility for individuals with intellectual disabilities. 36713

(W) (1) A child may be identified as having an "other 36714
health impairment-major" if the child's condition meets the 36715
definition of "other health impaired" established in rules 36716
previously adopted by the ~~state board of education department~~ 36717
and if either of the following apply: 36718

(a) The child is identified as having a medical condition 36719
that is among those listed by the ~~superintendent of public-~~ 36720
~~instruction department~~ as conditions where a substantial 36721
majority of cases fall within the definition of "medically 36722
fragile child." 36723

(b) The child is determined by the ~~superintendent of-~~ 36724
~~public instruction department~~ to be a medically fragile child. A 36725

school district superintendent may petition the ~~superintendent-~~ 36726
~~of public instruction department~~ for a determination that a 36727
child is a medically fragile child. 36728

(2) A child may be identified as having an "other health 36729
impairment-minor" if the child's condition meets the definition 36730
of "other health impaired" established in rules previously 36731
adopted by the ~~state board of education department~~ but the 36732
child's condition does not meet either of the conditions 36733
specified in division (W) (1) (a) or (b) of this section. 36734

(X) (1) For fiscal years 2022 and 2023, a city, local, 36735
exempted village, or joint vocational school district's, 36736
community school's, or STEM school's "general phase-in 36737
percentage" is equal to the percentage for that fiscal year that 36738
is determined by the general assembly. 36739

(2) For fiscal years 2022 and 2023, a city, local, 36740
exempted village, or joint vocational school district's "phase- 36741
in percentage for disadvantaged pupil impact aid" is equal to 36742
the percentage for that fiscal year that is determined by the 36743
general assembly. 36744

(Y) "Pilot project scholarship unit" means a unit that 36745
consists of all of the students for whom pilot project 36746
scholarships are awarded under sections 3313.974 to 3313.979 of 36747
the Revised Code. 36748

(Z) "Preschool child with a disability" means a child with 36749
a disability, as defined in section 3323.01 of the Revised Code, 36750
who is at least age three but is not of compulsory school age, 36751
as defined in section 3321.01 of the Revised Code, and who is 36752
not currently enrolled in kindergarten. 36753

(AA) "Related services" includes: 36754

(1) Child study, special education supervisors and coordinators, speech and hearing services, adaptive physical development services, occupational or physical therapy, teacher assistants for children with disabilities whose disabilities are described in division (B) of section 3317.013 or division (G) (3) of this section, behavioral intervention, interpreter services, work study, nursing services, and specialized integrative services as those terms are defined by the department;

(2) Speech and language services provided to any student with a disability, including any student whose primary or only disability is a speech and language disability;

(3) Any related service not specifically covered by other state funds but specified in federal law, including but not limited to, audiology and school psychological services;

(4) Any service included in units funded under former division (O) (1) of section 3317.024 of the Revised Code;

(5) Any other related service needed by children with disabilities in accordance with their individualized education programs.

(BB) "School district," unless otherwise specified, means city, local, and exempted village school districts.

(CC) "Separately educated student with a disability" has the same meaning as in section 3313.974 of the Revised Code.

(DD) "State education aid" has the same meaning as in section 5751.20 of the Revised Code.

(EE) (1) "State share percentage" means the following for a city, local, or exempted village school district:

(a) For fiscal years 2022 and 2023, the state share

percentage calculated under section 3317.017 of the Revised Code; 36783
36784

(b) For fiscal year 2024 and each fiscal year thereafter, 36785
a percentage calculated in a manner determined by the general 36786
assembly. 36787

(2) "State share percentage" means the following for a 36788
joint vocational school district: 36789

(a) For fiscal years 2022 and 2023, the percentage 36790
calculated in accordance with the following formula: 36791

The amount computed for the district under division (A) (1) of 36792
section 3317.16 of the Revised Code for that fiscal year / the 36793
aggregate base cost calculated for the district for that fiscal 36794
year under section 3317.012 of the Revised Code 36795

(b) For fiscal year 2024 and each fiscal year thereafter, 36796
a percentage calculated in a manner determined by the general 36797
assembly. 36798

(FF) "Statewide average base cost per pupil" means the 36799
following: 36800

(1) For fiscal years 2022 and 2023, the statewide average 36801
base cost per pupil calculated under division (A) of section 36802
3317.018 of the Revised Code; 36803

(2) For fiscal year 2024 and each fiscal year thereafter, 36804
an amount calculated in a manner determined by the general 36805
assembly. 36806

(GG) "Statewide average career-technical base cost per 36807
pupil" means the following: 36808

(1) For fiscal years 2022 and 2023, the statewide average 36809

career-technical base cost per pupil calculated under division 36810
(B) of section 3317.018 of the Revised Code; 36811

(2) For fiscal year 2024 and each fiscal year thereafter, 36812
an amount calculated in a manner determined by the general 36813
assembly. 36814

(HH) "STEM school" means a science, technology, 36815
engineering, and mathematics school established under Chapter 36816
3326. of the Revised Code. 36817

(II) "Taxes charged and payable" means the taxes charged 36818
and payable against real and public utility property after 36819
making the reduction required by section 319.301 of the Revised 36820
Code, plus the taxes levied against tangible personal property. 36821

(JJ) For purposes of sections 3317.017 and 3317.16 of the 36822
Revised Code, "three-year average valuation" for a fiscal year 36823
means the average of total taxable value for the three most 36824
recent tax years for which data is available, as certified under 36825
section 3317.021 of the Revised Code. 36826

(KK) "Total ADM" means, for a city, local, or exempted 36827
village school district, the enrollment reported under division 36828
(A) of section 3317.03 of the Revised Code minus the enrollment 36829
reported under divisions (A) (2) (a), (b), (g), (h), and (i) of 36830
that section, as verified by the ~~superintendent of public~~ 36831
~~instruction department~~ and adjusted if so ordered under division 36832
(K) of that section. 36833

(LL) "Total special education ADM" means the sum of 36834
categories one through six special education ADM. 36835

(MM) "Total taxable value" means the sum of the amounts 36836
certified for a city, local, exempted village, or joint 36837
vocational school district under divisions (A) (1) and (2) of 36838

section 3317.021 of the Revised Code. 36839

(NN) "Tuition discount" means any deduction from the base 36840
tuition amount per student charged by a chartered nonpublic 36841
school, to which the student's family is entitled due to one or 36842
more of the following conditions: 36843

(1) The student's family has multiple children enrolled in 36844
the same school. 36845

(2) The student's family is a member of or affiliated with 36846
a religious or secular organization that provides oversight of 36847
the school or from which the school has agreed to enroll 36848
students. 36849

(3) The student's parent is an employee of the school. 36850

(4) Some other qualification not based on the income of 36851
the student's family or the student's athletic or academic 36852
ability and for which all students in the school may qualify. 36853

Sec. 3317.021. (A) On or before the first day of June of 36854
each year, the tax commissioner shall certify to the department 36855
of education and workforce and the office of budget and 36856
management the information described in divisions (A) (1) to (5) 36857
of this section for each city, exempted village, and local 36858
school district, and the information required by divisions (A) 36859
(1) and (2) of this section for each joint vocational school 36860
district, and it shall be used, along with the information 36861
certified under division (B) of this section, in making the 36862
computations for the district under this chapter. 36863

(1) The taxable value of real and public utility real 36864
property in the school district subject to taxation in the 36865
preceding tax year, by class and by county of location. 36866

(2) The taxable value of tangible personal property,	36867
including public utility personal property, subject to taxation	36868
by the district for the preceding tax year.	36869
(3) (a) The total property tax rate and total taxes charged	36870
and payable for the current expenses for the preceding tax year	36871
and the total property tax rate and the total taxes charged and	36872
payable to a joint vocational district for the preceding tax	36873
year that are limited to or to the extent apportioned to current	36874
expenses.	36875
(b) The portion of the amount of taxes charged and payable	36876
reported for each city, local, and exempted village school	36877
district under division (A) (3) (a) of this section attributable	36878
to a joint vocational school district.	36879
(4) The value of all real and public utility real property	36880
in the school district exempted from taxation minus both of the	36881
following:	36882
(a) The value of real and public utility real property in	36883
the district owned by the United States government and used	36884
exclusively for a public purpose;	36885
(b) The value of real and public utility real property in	36886
the district exempted from taxation under Chapter 725. or 1728.	36887
or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62,	36888
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code.	36889
(5) The total federal adjusted gross income of the	36890
residents of the school district, based on tax returns filed by	36891
the residents of the district, for the most recent year for	36892
which this information is available, and the median Ohio	36893
adjusted gross income of the residents of the school district	36894
determined on the basis of tax returns filed for the second	36895

preceding tax year by the residents of the district. 36896

(6) For fiscal years 2022 and 2023, the number of state 36897
tax returns filed by the residents of the district for the most 36898
recent year for which this information is available. 36899

(B) On or before the first day of May each year, the tax 36900
commissioner shall certify to the department of education and 36901
workforce and the office of budget and management the total 36902
taxable real property value of railroads and, separately, the 36903
total taxable tangible personal property value of all public 36904
utilities for the preceding tax year, by school district and by 36905
county of location. 36906

(C) If on the basis of the information certified under 36907
division (A) of this section, the department determines that any 36908
district fails in any year to meet the qualification requirement 36909
specified in division (A) of section 3317.01 of the Revised 36910
Code, the department shall immediately request the tax 36911
commissioner to determine the extent to which any school 36912
district income tax levied by the district under Chapter 5748. 36913
of the Revised Code shall be included in meeting that 36914
requirement. Within five days of receiving such a request from 36915
the department, the tax commissioner shall make the 36916
determination required by this division and report the quotient 36917
obtained under division (C) (3) of this section to the department 36918
and the office of budget and management. This quotient 36919
represents the number of mills that the department shall include 36920
in determining whether the district meets the qualification 36921
requirement of division (A) of section 3317.01 of the Revised 36922
Code. 36923

The tax commissioner shall make the determination required 36924
by this division as follows: 36925

(1) Multiply one mill times the total taxable value of the district as determined in divisions (A) (1) and (2) of this section;

(2) Estimate the total amount of tax liability for the current tax year under taxes levied by Chapter 5748. of the Revised Code that are apportioned to current operating expenses of the district, excluding any income tax receipts allocated for the project cost, debt service, or maintenance set-aside associated with a state-assisted classroom facilities project as authorized by section 3318.052 of the Revised Code;

(3) Divide the amount estimated under division (C) (2) of this section by the product obtained under division (C) (1) of this section.

Sec. 3317.022. The department of education and workforce shall compute and distribute state core foundation funding to each eligible funding unit that is a city, local, or exempted village school district, the community and STEM school unit, the educational choice scholarship unit, the pilot project scholarship unit, the autism scholarship unit, and the Jon Peterson special needs scholarship unit for the fiscal year, using the information obtained under section 3317.021 of the Revised Code in the calendar year in which the fiscal year begins in accordance with the following:

For fiscal years 2022 and 2023, for a funding unit that is a city, local, or exempted village school district:

The district's funding base + [(the district's state core foundation funding components for that fiscal year calculated under divisions (A) (1), (2), (3), (5), (6), (7), and (8) of this section - the district's general funding base calculated in

accordance with division (N) (1) of section 3317.02 of the Revised Code) X the district's general phase-in percentage for that fiscal year] + [(the district's disadvantaged pupil impact aid for that fiscal year calculated under division (A) (4) of this section - the district's disadvantaged pupil impact aid funding base calculated in accordance with division (N) (2) of section 3317.02 of the Revised Code) X the district's phase-in percentage for disadvantaged pupil impact aid for that fiscal year] + the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code

For fiscal year 2024 and each fiscal year thereafter, for a funding unit that is a city, local, or exempted village school district, the sum of the district's state core foundation funding components for that fiscal year calculated under divisions (A) (1), (2), (3), (4), (5), (6), (7), and (8) of this section and the district's supplemental targeted assistance funds calculated under section 3317.0218 of the Revised Code, if the general assembly authorizes such payments to these funding units.

For fiscal years 2022 and 2023, for the community and STEM school unit, an amount calculated in accordance with section 3317.026 of the Revised Code.

For fiscal years 2024 and each fiscal year thereafter, for the community and STEM school unit, an amount calculated in accordance with divisions (A) (1), (3), (4), (5), (7), (8), and (9) of this section, if the general assembly authorizes such payments to these funding units.

For the educational choice scholarship unit, the amount calculated under division (A) (10) of this section.

For the pilot project scholarship unit, the amount	36984
calculated under division (A) (11) of this section.	36985
For the autism scholarship unit, the amount calculated	36986
under division (A) (12) of this section.	36987
For the Jon Peterson special needs scholarship unit, the	36988
amount calculated under division (A) (13) of this section.	36989
(A) A funding unit's state core foundation funding	36990
components shall be the following:	36991
(1) (a) If the funding unit is a city, local, or exempted	36992
village school district, the district's state share, which is	36993
equal to the following:	36994
(i) For fiscal years 2022 and 2023, the amount calculated	36995
under division (B) of section 3317.017 of the Revised Code;	36996
(ii) For fiscal year 2024 and each fiscal year thereafter,	36997
an amount calculated in a manner determined by the general	36998
assembly.	36999
(b) If the funding unit is the community and STEM school	37000
unit, the aggregate base cost for all schools in that unit,	37001
which is equal to the following:	37002
(i) For fiscal years 2022 and 2023, the amount calculated	37003
under section 3317.0110 of the Revised Code;	37004
(ii) For fiscal year 2024 and each fiscal year thereafter,	37005
an amount calculated in a manner determined by the general	37006
assembly.	37007
(2) If the funding unit is a city, local, or exempted	37008
village school district, targeted assistance funds equal to the	37009
following:	37010

(a) For fiscal years 2022 and 2023, an amount calculated	37011
under section 3317.0217 of the Revised Code;	37012
(b) For fiscal year 2024 and each fiscal year thereafter,	37013
an amount calculated in a manner determined by the general	37014
assembly.	37015
(3) If the funding unit is a city, local, or exempted	37016
village school district or the community and STEM school unit,	37017
additional state aid for special education and related services	37018
provided under Chapter 3323. of the Revised Code calculated as	37019
follows:	37020
(a) For fiscal years 2022 and 2023, the sum of the	37021
following:	37022
(i) The funding unit's category one special education ADM	37023
X the multiple specified in division (A) of section 3317.013 of	37024
the Revised Code X the statewide average base cost per pupil for	37025
that fiscal year X if the funding unit is a city, local, or	37026
exempted village school district, the district's state share	37027
percentage;	37028
(ii) The funding unit's category two special education ADM	37029
X the multiple specified in division (B) of section 3317.013 of	37030
the Revised Code X the statewide average base cost per pupil for	37031
that fiscal year X if the funding unit is a city, local, or	37032
exempted village school district, the district's state share	37033
percentage;	37034
(iii) The funding unit's category three special education	37035
ADM X the multiple specified in division (C) of section 3317.013	37036
of the Revised Code X the statewide average base cost per pupil	37037
for that fiscal year X if the funding unit is a city, local, or	37038
exempted village school district, the district's state share	37039

percentage;	37040
(iv) The funding unit's category four special education	37041
ADM X the multiple specified in division (D) of section 3317.013	37042
of the Revised Code X the statewide average base cost per pupil	37043
for that fiscal year X if the funding unit is a city, local, or	37044
exempted village school district, the district's state share	37045
percentage;	37046
(v) The funding unit's category five special education ADM	37047
X the multiple specified in division (E) of section 3317.013 of	37048
the Revised Code X the statewide average base cost per pupil for	37049
that fiscal year X if the funding unit is a city, local, or	37050
exempted village school district, the district's state share	37051
percentage;	37052
(vi) The funding unit's category six special education ADM	37053
X the multiple specified in division (F) of section 3317.013 of	37054
the Revised Code X the statewide average base cost per pupil for	37055
that fiscal year X if the funding unit is a city, local, or	37056
exempted village school district, the district's state share	37057
percentage.	37058
(b) For fiscal year 2024 and each fiscal year thereafter,	37059
the sum of the following:	37060
(i) An amount calculated in a manner determined by the	37061
general assembly times the funding unit's category one special	37062
education ADM;	37063
(ii) An amount calculated in a manner determined by the	37064
general assembly times the funding unit's category two special	37065
education ADM;	37066
(iii) An amount calculated in a manner determined by the	37067
general assembly times the funding unit's category three special	37068

education ADM;	37069
(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM;	37070 37071 37072
(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special education ADM;	37073 37074 37075
(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM.	37076 37077 37078
(4) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, disadvantaged pupil impact aid calculated according to the following formula:	37079 37080 37081 37082
(a) If the funding unit is a city, local, or exempted village school district, an amount equal to the following:	37083 37084
(i) For fiscal years 2022 and 2023, the following product: \$422 X (the district's economically disadvantaged index) X the number of students who are economically disadvantaged as certified under division (B) (21) of section 3317.03 of the Revised Code	37085 37086 37087 37088 37089
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	37090 37091 37092
(b) If the funding unit is the community and STEM school unit, an amount equal to the following:	37093 37094
(i) For fiscal years 2022 and 2023, an amount calculated	37095

as follows: 37096

(I) For each student in the funding unit's enrolled ADM 37097
who is economically disadvantaged and is not enrolled in an 37098
internet- or computer-based community school, multiply \$422 by 37099
the economically disadvantaged index of the school in which the 37100
student is enrolled; 37101

(II) Compute the funding unit's disadvantaged pupil impact 37102
aid by calculating the sum of the amounts determined under 37103
division (A) (4) (b) (i) (I) of this section. 37104

(ii) For fiscal year 2024 and each fiscal year thereafter, 37105
an amount calculated as follows: 37106

(I) For each student in the funding unit's enrolled ADM 37107
who is economically disadvantaged and is not enrolled in an 37108
internet- or computer-based community school, calculate an 37109
amount in the manner determined by the general assembly; 37110

(II) Compute the funding unit's disadvantaged pupil impact 37111
aid by calculating the sum of the amounts determined under 37112
division (A) (4) (b) (ii) (I) of this section. 37113

(5) If the funding unit is a city, local, or exempted 37114
village school district or the community and STEM school unit, 37115
English learner funds calculated as follows: 37116

(a) For fiscal years 2022 and 2023, the sum of the 37117
following: 37118

(i) The funding unit's category one English learner ADM X 37119
the multiple specified in division (A) of section 3317.016 of 37120
the Revised Code X the statewide average base cost per pupil for 37121
that fiscal year X if the funding unit is a city, local, or 37122
exempted village school district, the district's state share 37123

percentage;	37124
(ii) The funding unit's category two English learner ADM X	37125
the multiple specified in division (B) of section 3317.016 of	37126
the Revised Code X the statewide average base cost per pupil for	37127
that fiscal year X if the funding unit is a city, local, or	37128
exempted village school district, the district's state share	37129
percentage;	37130
(iii) The funding unit's category three English learner	37131
ADM X the multiple specified in division (C) of section 3317.016	37132
of the Revised Code X the statewide average base cost per pupil	37133
for that fiscal year X if the funding unit is a city, local, or	37134
exempted village school district, the district's state share	37135
percentage.	37136
(b) For fiscal year 2024 and each fiscal year thereafter,	37137
the sum of the following:	37138
(i) An amount calculated in a manner determined by the	37139
general assembly times the funding unit's category one English	37140
learner ADM;	37141
(ii) An amount calculated in a manner determined by the	37142
general assembly times the funding unit's category two English	37143
learner ADM;	37144
(iii) An amount calculated in a manner determined by the	37145
general assembly times the funding unit's category three English	37146
learner ADM.	37147
(6) (a) For fiscal years 2022 and 2023, if the funding unit	37148
is a city, local, or exempted village school district, all of	37149
the following:	37150
(i) Gifted identification funds calculated according to	37151

the following formula:	37152
\$24 X the district's enrolled ADM for grades kindergarten	37153
through six X the district's state share percentage	37154
(ii) Gifted referral funds calculated according to the	37155
following formula:	37156
\$2.50 X the district's enrolled ADM X the district's state share	37157
percentage	37158
(iii) Gifted professional development funds calculated	37159
according to the following formula:	37160
(The greater of the number of gifted students enrolled in the	37161
district as certified under division (B) (22) of section 3317.03	37162
of the Revised Code and ten per cent of the district's enrolled	37163
ADM) X the district's state share percentage X \$7, for fiscal	37164
year 2022, or \$14, for fiscal year 2023	37165
(iv) Gifted unit funding calculated under section 3317.051	37166
of the Revised Code.	37167
(b) For fiscal year 2024 and each fiscal year thereafter,	37168
all of the following:	37169
(i) Gifted identification funds calculated in a manner	37170
determined by the general assembly;	37171
(ii) Gifted referral funds calculated in a manner	37172
determined by the general assembly, if the general assembly	37173
authorizes such a payment;	37174
(iii) Gifted professional development funds calculated in	37175
a manner determined by the general assembly, if the general	37176
assembly authorizes such a payment;	37177
(iv) Gifted unit funding calculated in an amount	37178

determined by the general assembly. 37179

(7) If the funding unit is a city, local, or exempted 37180
village school district or the community and STEM school unit, 37181
career-technical education funds calculated under division (C) 37182
of section 3317.014 of the Revised Code. 37183

(8) If the funding unit is a city, local, or exempted 37184
village school district or the community and STEM school unit, 37185
career-technical education associated services funds calculated 37186
under division (D) of section 3317.014 of the Revised Code. 37187

(9) If the funding unit is the community and STEM school 37188
unit, an amount calculated as follows: 37189

(a) For fiscal years 2022 and 2023, an amount equal to the 37190
following: 37191

[The number of students in the funding unit's enrolled ADM who 37192
are reported under division (B) (5) of section 3314.08 of the 37193
Revised Code X (the aggregate base cost calculated for all 37194
schools in the funding unit for that fiscal year under section 37195
3317.0110 of the Revised Code / the funding unit's enrolled ADM) 37196
X.20] 37197

(b) For fiscal year 2024 and each fiscal year thereafter, 37198
an amount calculated in a manner determined by the general 37199
assembly. 37200

(10) If the funding unit is the educational choice 37201
scholarship unit, an amount calculated as follows: 37202

(a) For each student in the funding unit's enrolled ADM, 37203
determine the lesser of the following: 37204

(i) The base tuition of the chartered nonpublic school in 37205
which the student is enrolled minus the total amount of any 37206

applicable tuition discounts for which the student qualifies;	37207
(ii) \$5,500, if the student is in grades kindergarten	37208
through eight, or \$7,500, if the student is in grades nine	37209
through twelve.	37210
The amounts specified in division (A) (10) (a) (ii) of this	37211
section shall increase in future fiscal years by the same	37212
percentage that the statewide average base cost per pupil	37213
increases in future fiscal years.	37214
(b) Compute the sum of the amounts calculated under	37215
division (A) (10) (a) of this section.	37216
(11) If the funding unit is the pilot project scholarship	37217
unit, an amount calculated as follows:	37218
(a) For each student in the funding unit's enrolled ADM,	37219
determine the lesser of the following:	37220
(i) The net tuition charges of the student's alternative	37221
school;	37222
(ii) \$5,500, if the student is in grades kindergarten	37223
through eight, or \$7,500, if the student is in grades nine	37224
through twelve.	37225
The amounts specified in division (A) (11) (a) (ii) of this	37226
section shall increase in future fiscal years by the same	37227
percentage that the statewide average base cost per pupil	37228
increases in future fiscal years.	37229
For purposes of division (A) (11) (a) of this section, the	37230
net tuition and fees charged to a student shall be the tuition	37231
amount specified by the alternative school minus all other	37232
financial aid, discounts, and adjustments received for the	37233
student. In cases where discounts are offered for multiple	37234

students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled.

The department shall provide for an increase in the amount determined for any student who is an LRE student with a disability and shall further increase such amount in the case of any separately educated student with a disability, as that term is defined in section 3313.974 of the Revised Code. Such increases shall take into account the instruction, related services, and transportation costs of educating such students.

(b) Compute the sum of the amounts calculated under division (A) (17) (a) of this section.

(12) If the funding unit is the autism scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following:

(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code;

(ii) \$31,500, for fiscal year 2022, and \$32,445, for fiscal year 2023 and each fiscal year thereafter.

(b) Compute the sum of the amounts calculated under division (A) (12) (a) of this section.

(13) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows:

(a) For each student in the funding unit's enrolled ADM, determine the least of the following:

(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code;	37263 37264 37265 37266
(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023, plus an amount determined as follows:	37267 37268
(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, \$1,514, for fiscal year 2022, and \$1,562, for fiscal year 2023;	37269 37270 37271 37272
(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, \$3,841, for fiscal year 2022, and \$3,963, for fiscal year 2023;	37273 37274 37275 37276
(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, \$9,465, for fiscal year 2022, and \$9,522, for fiscal year 2023;	37277 37278 37279 37280
(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, \$12,644, for fiscal year 2022, and \$12,707, for fiscal year 2023;	37281 37282 37283 37284
(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, \$17,193, for fiscal year 2022, and \$17,209, for fiscal year 2023;	37285 37286 37287 37288
(VI) If the student is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code, \$24,591, for fiscal year 2022, and	37289 37290 37291

\$25,370, for fiscal year 2023. 37292

(iii) \$27,000. 37293

The amount specified for fiscal year 2023 in division (A) 37294
(13) (a) (ii) of this section shall increase in future fiscal 37295
years by the same percentage that the statewide average base 37296
cost per pupil increases in future fiscal years. 37297

The amounts specified for fiscal year 2023 in divisions 37298
(A) (13) (a) (ii) (I) to (VI) of this section shall increase in 37299
future fiscal years by the same percentage that the amounts 37300
calculated by the general assembly for those categories of 37301
special education services under division (A) (3) of this section 37302
increase in future fiscal years. 37303

(b) Compute the sum of the amounts calculated under 37304
division (A) (13) (a) of this section. 37305

(B) In any fiscal year, a funding unit that is a city, 37306
local, or exempted village school district shall spend for 37307
purposes that the department designates as approved for special 37308
education and related services expenses at least the amount 37309
calculated as follows: 37310

(The base cost per pupil calculated for the district for that 37311
fiscal year X the total special education ADM) + (the district's 37312
category one special education ADM X the multiple specified in 37313
division (A) of section 3317.013 of the Revised Code X the 37314
statewide average base cost per pupil) + (the district's 37315
category two special education ADM X the multiple specified in 37316
division (B) of section 3317.013 of the Revised Code X the 37317
statewide average base cost per pupil) + (the district's 37318
category three special education ADM X the multiple specified in 37319
division (C) of section 3317.013 of the Revised Code X the 37320

statewide average base cost per pupil) + (the district's 37321
category four special education ADM X the multiple specified in 37322
division (D) of section 3317.013 of the Revised Code X the 37323
statewide average base cost per pupil) + (the district's 37324
category five special education ADM X the multiple specified in 37325
division (E) of section 3317.013 of the Revised Code X the 37326
statewide average base cost per pupil) + (the district's 37327
category six special education ADM X the multiple specified in 37328
division (F) of section 3317.013 of the Revised Code X the 37329
statewide average base cost per pupil) 37330

The purposes approved by the department for special 37331
education expenses shall include, but shall not be limited to, 37332
identification of children with disabilities, compliance with 37333
state rules governing the education of children with 37334
disabilities and prescribing the continuum of program options 37335
for children with disabilities, provision of speech language 37336
pathology services, and the portion of the school district's 37337
overall administrative and overhead costs that are attributable 37338
to the district's special education student population. 37339

(C) A funding unit that is a city, local, or exempted 37340
village school district shall spend the funds it receives under 37341
division (A) (4) of this section in accordance with section 37342
3317.25 of the Revised Code. 37343

(D) (1) Except as provided in division (B) of section 37344
3317.026 of the Revised Code, the department shall distribute to 37345
each community school established under Chapter 3314. of the 37346
Revised Code and to each STEM school established under Chapter 37347
3326. of the Revised Code, from the funds paid to the community 37348
and STEM school unit under this section, an amount for each 37349
student enrolled in the school equal to the sum of the 37350

following:	37351
(a) The school's base cost per pupil for that fiscal year, calculated as follows:	37352 37353
(i) For fiscal years 2022 and 2023:	37354
The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code / the number of students enrolled in the school for that fiscal year	37355 37356 37357
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly under division (A) (1)(b)(ii) of this section divided by the number of students enrolled in the school for that fiscal year.	37358 37359 37360 37361
(b) If the student is a special education student:	37362
(i) For fiscal years 2022 and 2023, the multiple specified for the student's special education category under section 3317.013 of the Revised Code times the statewide average base cost per pupil;	37363 37364 37365 37366
(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(3)(b) of this section.	37367 37368 37369 37370
(c) If the school is not an internet- or computer-based community school and the student is economically disadvantaged:	37371 37372
(i) For fiscal years 2022 and 2023, the amount calculated for the student under division (A)(4)(b)(i)(I) of this section;	37373 37374
(ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated for the student in the manner determined by the general assembly under division (A)(4)(b)(ii)(I) of this	37375 37376 37377

section.	37378
(d) If the school is not an internet- or computer-based community school and the student is an English learner:	37379 37380
(i) For fiscal years 2022 and 2023, the multiple specified for the student's English learner category under section 3317.016 of the Revised Code times the statewide average base cost per pupil;	37381 37382 37383 37384
(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A) (5) (b) of this section.	37385 37386 37387 37388
(e) If the student is a career-technical education student:	37389 37390
(i) For fiscal years 2022 and 2023, the multiple specified for the student's career-technical education category under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;	37391 37392 37393 37394
(ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's career-technical education category in a manner determined by the general assembly under section 3317.014 of the Revised Code.	37395 37396 37397 37398
(f) If the student is a career-technical education student:	37399 37400
(i) For fiscal years 2022 and 2023, the multiple for career-technical associated services specified under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil;	37401 37402 37403 37404
(ii) For fiscal year 2024 and each fiscal year thereafter,	37405

the amount calculated for career-technical associated services 37406
in a manner determined by the general assembly under section 37407
3317.014 of the Revised Code. 37408

(2) The department shall distribute to each community 37409
school established under Chapter 3314. of the Revised Code and 37410
to each STEM school established under Chapter 3326. of the 37411
Revised Code, from the funds paid to the community and STEM 37412
school unit under this section, an amount equal to the amount 37413
calculated for the school under division (A) (9) of this section. 37414

(E) The department shall distribute to the parent of each 37415
student for whom an educational choice scholarship is awarded 37416
under section 3310.03 or 3310.032 of the Revised Code, or to the 37417
student if at least eighteen years of age, from the funds paid 37418
to the educational choice scholarship unit under this section, a 37419
scholarship equal to the amount calculated for the student under 37420
division (A) (10) (a) of this section. The scholarship shall be 37421
distributed in monthly partial payments, and the department 37422
shall proportionately reduce or terminate the payments for any 37423
student who withdraws from a chartered nonpublic school prior to 37424
the end of the school year. 37425

For purposes of divisions (E) and (F) of this section, in 37426
the case of a student who is not living with the student's 37427
parent, the department shall distribute the scholarship payments 37428
to the student's guardian, legal custodian, kinship caregiver, 37429
foster caregiver, or caretaker. For the purposes of this 37430
division, "caretaker" has the same meaning as in section 37431
3310.033 of the Revised Code, "kinship caregiver" has the same 37432
meaning as in section 5101.85 of the Revised Code, and "foster 37433
caregiver" has the same meaning as in section 5103.02 of the 37434
Revised Code. 37435

(F) If a student is awarded a pilot project scholarship 37436
under sections 3313.974 to 3313.979 of the Revised Code, the 37437
department shall distribute to the parent of the student, if the 37438
student is attending a registered private school as defined in 37439
section 3313.974 of the Revised Code, or the student's school 37440
district of attendance, if the scholarship is to be used for 37441
payments to a public school in a school district adjacent to the 37442
pilot project school district pursuant to section 3327.06 of the 37443
Revised Code, a scholarship from the funds paid to the pilot 37444
project scholarship unit under this section that is equal to the 37445
amount calculated for the student under division (A) (11) (a) of 37446
this section. 37447

In the case of a scholarship distributed to a student's 37448
parent, the scholarship shall be distributed in monthly partial 37449
payments. The scholarship amount shall be proportionately 37450
reduced in the case of any such student who is not enrolled in a 37451
registered private school, as that term is defined in section 37452
3313.974 of the Revised Code, for the entire school year. 37453

In the case of a scholarship distributed to a student's 37454
school district of attendance, the department shall, on behalf 37455
of the student's parents, use the scholarship to make the 37456
tuition payments required by section 3327.06 of the Revised Code 37457
to the student's school district of attendance, except that, 37458
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 37459
Revised Code, the total payments in any school year shall not 37460
exceed the scholarship amount calculated for the student under 37461
division (A) (11) (a) of this section. 37462

(G) The department shall distribute to the parent of each 37463
student for whom an autism scholarship is awarded under section 37464
3310.41 of the Revised Code, from the funds paid to the autism 37465

scholarship unit under this section, a scholarship equal to the 37466
amount calculated for the student under division (A) (12) (a) of 37467
this section. The scholarship shall be distributed from time to 37468
time in partial payments. The scholarship amount shall be 37469
proportionately reduced in the case of any student who is not 37470
enrolled in the special education program for which a 37471
scholarship was awarded under section 3310.41 of the Revised 37472
Code for the entire school year. The department shall make no 37473
payments to the parent of a student while any administrative or 37474
judicial mediation or proceedings with respect to the content of 37475
the student's individualized education program are pending. 37476

(H) The department shall distribute to the parent of each 37477
student for whom a Jon Peterson special needs scholarship is 37478
awarded under sections 3310.51 to 3310.64 of the Revised Code, 37479
from the funds paid to the Jon Peterson special needs 37480
scholarship unit under this section, a scholarship equal to the 37481
amount calculated for the student under division (A) (13) (a) of 37482
this section. The scholarship shall be distributed in periodic 37483
payments, and the department shall proportionately reduce or 37484
terminate the payments for any student who is not enrolled in 37485
the special education program of an alternative public provider 37486
or a registered private provider, as those terms are defined in 37487
section 3310.51 of the Revised Code, for the entire school year. 37488

(I) For fiscal years 2022 and 2023, a school district 37489
shall spend the funds it receives under division (A) (5) of this 37490
section only for services for English learners. 37491

(J) For fiscal years 2022 and 2023, a school district 37492
shall spend the funds it receives under division (A) (6) of this 37493
section only for the identification of gifted students, gifted 37494
coordinator services, gifted intervention specialist services, 37495

other service providers approved by the department of education_ 37496
and workforce, and gifted professional development. For fiscal 37497
years 2022 and 2023, if the department determines that a 37498
district is not in compliance with this division, it shall 37499
reduce the district's payments for that fiscal year under this 37500
chapter by an amount equal to the amount paid to the district 37501
for that fiscal year under division (A)(6) of this section that 37502
was not spent in accordance with this division. 37503

Sec. 3317.023. (A) The amounts required to be paid to a 37504
district under this chapter shall be adjusted by the amount of 37505
the computations made under divisions (B) to (K) of this 37506
section. 37507

As used in this section: 37508

(1) "Career-technical planning district" or "CTPD" means a 37509
school district or group of school districts designated by the 37510
department of education and workforce as being responsible for 37511
the planning for and provision of career-technical education 37512
services to students within the district or group. A community 37513
school established under Chapter 3314. of the Revised Code or a 37514
STEM school established under Chapter 3326. of the Revised Code 37515
that is serving students in any of grades seven through twelve 37516
shall be assigned to a career-technical planning district by the 37517
department. 37518

(2) "Lead district" means a school district, including a 37519
joint vocational school district, designated by the department 37520
as a CTPD, or designated to provide primary career-technical 37521
education leadership within a CTPD composed of a group of 37522
districts, community schools assigned to the CTPD, and STEM 37523
schools assigned to the CTPD. 37524

(B) If a local, city, or exempted village school district to which a governing board of an educational service center provides services pursuant to an agreement entered into under section 3313.843 of the Revised Code, deduct the amount of the payment required for the reimbursement of the governing board under that section.

(C) (1) If the district is required to pay to or entitled to receive tuition from another school district under division (C) (2) or (3) of section 3313.64 or section 3313.65 of the Revised Code, or if the ~~superintendent of public instruction department~~ is required to determine the correct amount of tuition and make a deduction or credit under section 3317.08 of the Revised Code, deduct and credit such amounts as provided in division (J) of section 3313.64 or section 3317.08 of the Revised Code.

(2) For each child for whom the district is responsible for tuition or payment under division (A) (1) of section 3317.082 or section 3323.091 of the Revised Code, deduct the amount of tuition or payment for which the district is responsible.

(D) If the district has been certified by the ~~superintendent of public instruction department~~ under section 3313.90 of the Revised Code as not in compliance with the requirements of that section, deduct an amount equal to ten per cent of the amount computed for the district under this chapter.

(E) If the district has received a loan from a commercial lending institution for which payments are made ~~by the superintendent of public instruction~~ pursuant to division (E) (3) of section 3313.483 of the Revised Code, deduct an amount equal to such payments.

(F) (1) If the district is a party to an agreement entered into under division (D), (E), or (F) of section 3311.06 or division (B) of section 3311.24 of the Revised Code and is obligated to make payments to another district under such an agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such payments under division (F) (1) of this section, add the amount of such payments.

(G) If the district is required to pay an amount of funds to a cooperative education district pursuant to a provision described by division (B) (4) of section 3311.52 or division (B) (8) of section 3311.521 of the Revised Code, deduct such amounts as provided under that provision and credit those amounts to the cooperative education district for payment to the district under division (B) (1) of section 3317.19 of the Revised Code.

(H) (1) If a district is educating a student entitled to attend school in another district pursuant to a shared education contract, compact, or cooperative education agreement other than an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the statewide average base cost per pupil.

(b) Any amount applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (H) (1)

of this section from amounts paid to the school district in 37583
which the student is entitled to attend school pursuant to 37584
section 3313.64 or 3313.65 of the Revised Code. 37585

(3) If the district is required by a shared education 37586
contract, compact, or cooperative education agreement to make 37587
payments to an educational service center, deduct the amounts 37588
from payments to the district and add them to the amounts paid 37589
to the service center. 37590

(I)(1) If a district, including a joint vocational school 37591
district, is a lead district of a CTPD, credit to that district 37592
the amount calculated for each school district within that CTPD 37593
under divisions (D) and (E) of section 3317.014 of the Revised 37594
Code and for each community school and STEM school assigned to 37595
the CTPD under divisions (D) and (E) of section 3317.014 of the 37596
Revised Code. 37597

(2) Deduct from each appropriate district that is not a 37598
lead district, or from the appropriate community school or STEM 37599
school, the amount attributable to that district or school that 37600
is credited to a lead district under division (I)(1) of this 37601
section. 37602

(J) If the department pays a joint vocational school 37603
district under division (C)(3) of section 3317.16 of the Revised 37604
Code for excess costs of providing special education and related 37605
services to a student with a disability, as calculated under 37606
division (C)(1) of that section, the department shall deduct the 37607
amount of that payment from the city, local, or exempted village 37608
school district that is responsible as specified in that section 37609
for the excess costs. 37610

(K)(1) If the district reports an amount of excess cost 37611

for special education services for a child under division (C) of 37612
section 3323.14 of the Revised Code, the department shall pay 37613
that amount to the district. 37614

(2) If the district reports an amount of excess cost for 37615
special education services for a child under division (C) of 37616
section 3323.14 of the Revised Code, the department shall deduct 37617
that amount from the district of residence of that child. 37618

Sec. 3317.024. The following shall be distributed monthly, 37619
quarterly, or annually as may be determined by the ~~state board~~ 37620
department of education and workforce: 37621

(A) An amount for each island school district and each 37622
joint state school district for the operation of each high 37623
school and each elementary school maintained within such 37624
district and for capital improvements for such schools. Such 37625
amounts shall be determined on the basis of standards adopted by 37626
the ~~state board of education~~ department. However, for fiscal 37627
years 2012 and 2013, an island district shall receive the lesser 37628
of its actual cost of operation, as certified to the ~~department~~ 37629
~~of education~~, or ninety-three per cent of the amount the 37630
district received in state operating funding for fiscal year 37631
2011. If an island district received no funding for fiscal year 37632
2011, it shall receive no funding for either of fiscal year 2012 37633
or 2013. 37634

(B) An amount for each school district required to pay 37635
tuition for a child in an institution maintained by the 37636
department of youth services pursuant to section 3317.082 of the 37637
Revised Code, provided the child was not included in the 37638
calculation of the district's formula ADM, as that term is 37639
defined in section 3317.02 of the Revised Code, for the 37640
preceding school year. 37641

(C) (1) An amount for the approved cost of transporting 37642
eligible pupils with disabilities attending a special education 37643
program approved by the department of education and workforce 37644
whom it is impossible or impractical to transport by regular 37645
school bus in the course of regular route transportation 37646
provided by the school district or educational service center. 37647
For fiscal years 2022 and 2023, this amount shall be equal to 37648
the actual costs incurred in the prior fiscal year by the 37649
district or service center when transporting those students, as 37650
reported to the department, multiplied by one of the following: 37651

(a) For a district, the percentage determined for the 37652
district for that fiscal year under divisions (E) (1) (c) (i) and 37653
(ii) of section 3317.0212 of the Revised Code; 37654

(b) For a service center, twenty-nine and one-sixth per 37655
cent for fiscal year 2022 and thirty-three and one-third per 37656
cent for fiscal year 2023. 37657

(2) No district or service center is eligible to receive a 37658
payment under division (C) of this section for the cost of 37659
transporting any pupil whom it transports by regular school bus 37660
and who is included in the district's transportation ADM. 37661

(3) For fiscal years 2022 and 2023, both of the following 37662
apply: 37663

(a) The ~~state board~~ department of education and workforce 37664
shall also establish the deadline for each district and service 37665
center to report its actual costs for transporting students 37666
described in division (C) (1) of this section. 37667

(b) The costs reported by each district and service center 37668
under division (C) of this section shall be subject to periodic, 37669
random audits by the department of education and workforce. 37670

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

(E) (1) An amount for auxiliary services to each school district, for each pupil attending a chartered nonpublic elementary or high school within the district that has not elected to receive funds under division (E) (2) of this section.

(2) (a) An amount for auxiliary services paid directly to each chartered nonpublic school that has elected to receive funds under division (E) (2) of this section for each pupil attending the school. To elect to receive funds under division (E) (2) of this section, a school, by the first day of April of each odd-numbered year, shall notify the department of education and workforce and the school district in which the school is located of the election and shall submit to the department an affidavit certifying that the school shall expend the funds in the manner outlined in section 3317.062 of the Revised Code. The election shall take effect the following first day of July. The school subsequently may rescind its election, but it may do so only in an odd-numbered year by notifying the department and the school district in which the school is located of the rescission not later than the first day of April of that year. Beginning the following first day of July after the rescission, the school shall receive funds under division (E) (1) of this section.

(b) A chartered nonpublic school that elects to receive auxiliary services funds under division (E) (2) of this section may designate an organization that oversees one or more

nonpublic schools to receive those funds on its behalf. 37701

(i) Each chartered nonpublic school that designates an 37702
organization to receive auxiliary services funds on its behalf 37703
shall notify the department of education and workforce of the 37704
organization's name not later than the first day of April of 37705
each odd-numbered year. 37706

(ii) A school may rescind its decision, but may do so only 37707
in each odd-numbered year by notifying the department of that 37708
rescission not later than the first day of April of that year. A 37709
rescission submitted in compliance with this division takes 37710
effect on the following first day of July, and the school 37711
district may elect to then begin receiving auxiliary services 37712
funds directly or as specified under division (E) (1) of this 37713
section. 37714

(iii) An organization shall disburse the auxiliary 37715
services funds of all chartered nonpublic schools that have 37716
designated the organization to receive funds on their behalf in 37717
accordance with division (E) (2) (b) of this section. If multiple 37718
chartered nonpublic schools designate the same organization to 37719
receive auxiliary services funds on their behalf, that 37720
organization may use one or more accounts for the purposes of 37721
managing the funds. The organization shall maintain appropriate 37722
accounting and reporting standards and ensure that each 37723
chartered nonpublic school receives the auxiliary services funds 37724
to which the school is entitled. 37725

(iv) Each chartered nonpublic school that elects to 37726
receive funds directly in accordance with division (E) (2) of 37727
this section or the organization designated to receive and 37728
disburse auxiliary services funds on behalf of a chartered 37729
nonpublic school shall maintain records of receipt and 37730

expenditures of the funds in a manner that conforms with 37731
generally accepted accounting principles. 37732

(v) The department of education and workforce shall create 37733
and disseminate a standardized reporting form that chartered 37734
nonpublic schools and organizations designated to receive funds 37735
in accordance with division (E) (2) (b) of this section may use to 37736
comply with division (E) (2) (b) (iv) of this section. However, the 37737
department shall not require schools to use that form. 37738

(vi) An organization that manages a school's auxiliary 37739
services funds pursuant to a designation made in accordance with 37740
division (E) (2) (b) of this section may require the school's 37741
governing authority to pay a fee for that service that does not 37742
exceed four per cent of the total amount of payments for 37743
auxiliary services that the school receives from the state. A 37744
school may pay any fee assessed pursuant to division (E) (2) (b) 37745
(vi) of this section using auxiliary services funds. 37746

(c) The amount paid under divisions (E) (1) and (2) of this 37747
section shall equal the total amount appropriated for the 37748
implementation of sections 3317.06 and 3317.062 of the Revised 37749
Code divided by the average daily membership in grades 37750
kindergarten through twelve in chartered nonpublic elementary 37751
and high schools within the state as determined as of the last 37752
day of October of each school year. 37753

(F) An amount for each county board of developmental 37754
disabilities for the approved cost of transportation required 37755
for children attending special education programs operated by 37756
the county board under section 3323.09 of the Revised Code. For 37757
fiscal years 2022 and 2023, this amount shall be equal to the 37758
actual costs incurred in the prior fiscal year by the county 37759
board when transporting those students multiplied by twenty-nine 37760

and one-sixth per cent for fiscal year 2022 and thirty-three and 37761
one-third per cent for fiscal year 2023. 37762

(G) An amount to each institution defined under section 37763
3317.082 of the Revised Code providing elementary or secondary 37764
education to children other than children receiving special 37765
education under section 3323.091 of the Revised Code. This 37766
amount for any institution in any fiscal year shall equal the 37767
total of all tuition amounts required to be paid to the 37768
institution under division (A) (1) of section 3317.082 of the 37769
Revised Code. 37770

The ~~state board~~ department of education and workforce or 37771
any ~~other~~ board of education or governing board may provide for 37772
any resident of a district or educational service center 37773
territory any educational service for which funds are made 37774
available to the board by the United States under the authority 37775
of public law, whether such funds come directly or indirectly 37776
from the United States or any agency or department thereof or 37777
through the state or any agency, department, or political 37778
subdivision thereof. 37779

Sec. 3317.025. On or before the first day of June of each 37780
year, the tax commissioner shall certify the following 37781
information to the department of education and workforce and the 37782
office of budget and management, for each school district in 37783
which the value of the property described under division (A) of 37784
this section exceeds one per cent of the taxable value of all 37785
real and tangible personal property in the district or in which 37786
is located tangible personal property designed for use or used 37787
in strip mining operations, whose taxable value exceeds five 37788
million dollars, and the taxes upon which the district is 37789
precluded from collecting by virtue of legal proceedings to 37790

determine the value of such property: 37791

(A) The total taxable value of all property in the 37792
district owned by a public utility or railroad that has filed a 37793
petition for reorganization under the "Bankruptcy Act," 47 Stat. 37794
1474 (1898), 11 U.S.C. 205, as amended, and all tangible 37795
personal property in the district designed for use or used in 37796
strip mining operations whose taxable value exceeds five million 37797
dollars upon which have not been paid in full on or before the 37798
first day of April of that calendar year all real and tangible 37799
personal property taxes levied for the preceding calendar year 37800
and which the district was precluded from collecting by virtue 37801
of proceedings under section 205 of said act or by virtue of 37802
legal proceedings to determine the tax liability of such strip 37803
mining equipment; 37804

(B) The percentage of the total operating taxes charged 37805
and payable for school district purposes levied against such 37806
valuation for the preceding calendar year that have not been 37807
paid by such date; 37808

(C) The product obtained by multiplying the value 37809
certified under division (A) of this section by the percentage 37810
certified under division (B) of this section. If the value 37811
certified under division (A) of this section includes taxable 37812
property owned by a public utility or railroad that has filed a 37813
petition for reorganization under the bankruptcy act, the amount 37814
used in making the calculation under this division shall be 37815
reduced by one per cent of the total value of all real and 37816
tangible personal property in the district or the value of the 37817
utility's or railroad's property, whichever is less. 37818

Upon receipt of the certification, the department shall 37819
recompute the payments required under this chapter in the manner 37820

the payments would have been computed if: 37821

(1) The amount certified under division (C) of this 37822
section was not subject to taxation by the district and was not 37823
included in the certification made under division (A) (1), (A) 37824
(2), or (C) of section 3317.021 of the Revised Code. 37825

(2) The amount of taxes charged and payable and unpaid and 37826
used to make the computation under division (B) of this section 37827
had not been levied and had not been used in the computation 37828
required by division (B) of section 3317.021 of the Revised 37829
Code. The department shall pay the district that amount in the 37830
ensuing fiscal year in lieu of the amounts computed under this 37831
chapter. 37832

If a school district received a grant from the 37833
catastrophic expenditures account pursuant to division (C) of 37834
section 3316.20 of the Revised Code on the basis of the same 37835
circumstances for which a recomputation is made under this 37836
section, the amount of the recomputation shall be reduced and 37837
transferred in accordance with division (C) of section 3316.20 37838
of the Revised Code. 37839

Sec. 3317.026. This section shall apply only for fiscal 37840
years 2022 and 2023. 37841

(A) For each fiscal year, the department of education and 37842
workforce shall calculate an amount for the community and STEM 37843
school unit as follows: 37844

(1) For each community school and STEM school, determine 37845
the sum of the following: 37846

(a) The aggregate base cost calculated for the school for 37847
that fiscal year under section 3317.0110 of the Revised Code; 37848

(b) The sum of the following:	37849
(i) The school's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	37850 37851 37852 37853
(ii) The school's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	37854 37855 37856 37857
(iii) The school's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	37858 37859 37860 37861
(iv) The school's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	37862 37863 37864 37865
(v) The school's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	37866 37867 37868 37869
(vi) The school's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.	37870 37871 37872 37873
(c) If the school is not an internet- or computer-based community school, an amount of disadvantaged pupil impact aid equal to the following:	37874 37875 37876

\$422 X the school's economically disadvantaged index X the	37877
number of students in the school's enrolled ADM who are	37878
economically disadvantaged	37879
(d) If the school is not an internet- or computer-based	37880
community school, the sum of the following:	37881
(i) The school's category one English learner ADM X the	37882
multiple specified in division (A) of section 3317.016 of the	37883
Revised Code X the statewide average base cost per pupil for	37884
that fiscal year;	37885
(ii) The school's category two English learner ADM X the	37886
multiple specified in division (B) of section 3317.016 of the	37887
Revised Code X the statewide average base cost per pupil for	37888
that fiscal year;	37889
(iii) The school's category three English learner ADM X	37890
the multiple specified in division (C) of section 3317.016 of	37891
the Revised Code X the statewide average base cost per pupil for	37892
that fiscal year.	37893
(e) The sum of the following:	37894
(i) The school's category one career-technical education	37895
ADM X the multiple specified under division (A) (1) of section	37896
3317.014 of the Revised Code X the statewide average career-	37897
technical base cost per pupil for that fiscal year;	37898
(ii) The school's category two career-technical education	37899
ADM X the multiple specified under division (A) (2) of section	37900
3317.014 of the Revised Code X the statewide average career-	37901
technical base cost per pupil for that fiscal year;	37902
(iii) The school's category three career-technical	37903
education ADM X the multiple specified under division (A) (3) of	37904

section 3317.014 of the Revised Code X the statewide average	37905
career-technical base cost per pupil for that fiscal year;	37906
(iv) The school's category four career-technical education	37907
ADM X the multiple specified under division (A)(4) of section	37908
3317.014 of the Revised Code X the statewide average career-	37909
technical base cost per pupil for that fiscal year;	37910
(v) The school's category five career-technical education	37911
ADM X the multiple specified under division (A)(5) of section	37912
3317.014 of the Revised Code X the statewide average career-	37913
technical base cost per pupil for that fiscal year.	37914
(f) An amount equal to the following:	37915
The multiple for career-technical associated services specified	37916
under division (B) of section 3317.014 of the Revised Code X the	37917
statewide average career-technical base cost per pupil for that	37918
fiscal year X the sum of the school's categories one through	37919
five career-technical education ADM	37920
(g) If the school is a community school, an amount equal	37921
to the following:	37922
The number of students reported by the community school under	37923
division (B)(5) of section 3314.08 of the Revised Code X (the	37924
aggregate base cost calculated for the school for that fiscal	37925
year under section 3317.0110 of the Revised Code / the school's	37926
enrolled ADM) X 0.20	37927
(2) For each community and STEM school, determine the	37928
lesser of the following:	37929
(a) The following sum:	37930
The school's funding base + {[the sum calculated for the school	37931
under division (A) of this section) - the school's funding base]	37932

X the school's general phase-in percentage for that fiscal year}	37933
(b) The sum of the amounts calculated for the school for that fiscal year under division (A) of this section.	37934 37935
(3) Compute the sum of the amounts determined under division (B) of this section to determine the amount calculated for the community and STEM school unit.	37936 37937 37938
(B) Notwithstanding division (D) of section 3317.022 of the Revised Code, for each fiscal year, the department shall distribute to each community school and each STEM school, from the funds paid to the community and STEM school unit under section 3317.022 of the Revised Code, an amount equal to the amount determined for that school under division (A)(2) of this section.	37939 37940 37941 37942 37943 37944 37945
Sec. 3317.028. (A) On or before May 15, 2007, and the fifteenth day of May in each calendar year thereafter, the tax commissioner shall determine for each school district whether the taxable value of all utility tangible personal property subject to taxation by the district in the preceding tax year was less than the taxable value of such property during the second preceding tax year. If any decrease exceeds ten per cent of the district's tangible personal property taxable value included in the total taxable value used in the district's state aid computation for the fiscal year that ends in the current calendar year, the tax commissioner shall certify all of the following to the department of education <u>and workforce</u> and the office of budget and management:	37946 37947 37948 37949 37950 37951 37952 37953 37954 37955 37956 37957 37958
(1) The district's total taxable value for the preceding tax year;	37959 37960
(2) The change in taxes charged and payable on the	37961

district's total taxable value for the preceding tax year and 37962
the second preceding tax year; 37963

(3) The taxable value of the utility tangible personal 37964
property decrease, which shall be considered a change in 37965
valuation; 37966

(4) The change in taxes charged and payable on such change 37967
in taxable value calculated in the same manner as in division 37968
(A) (3) of section 3317.021 of the Revised Code. 37969

(B) Upon receipt of a certification specified in this 37970
section, the ~~department of education~~ shall replace the three- 37971
year average valuations that were used in computing the 37972
district's state education aid for the fiscal year that ends in 37973
the current calendar year with the taxable value certified under 37974
division (A) (1) of this section and shall recompute the state 37975
education aid for such fiscal year without applying any funding 37976
limitations enacted by the general assembly to the computation, 37977
if applicable. The department shall pay to the district an 37978
amount equal to the lesser of the following: 37979

(1) The positive difference between the district's state 37980
education aid prior to the recomputation under this section and 37981
the district's recomputed state education aid; 37982

(2) The absolute value of the amount certified under 37983
division (A) (2) of this section. 37984

The payment date shall be determined by the director of 37985
budget and management. The director shall select a payment date 37986
that is not earlier than the first day of June of the current 37987
fiscal year and not later than the thirty-first day of July of 37988
the following fiscal year. The department ~~of education~~ shall not 37989
pay the district under this section prior to approval by the 37990

director of budget and management to make that payment.	37991
(C) If a school district received a grant from the	37992
catastrophic expenditures account pursuant to division (C) of	37993
section 3316.20 of the Revised Code on the basis of the same	37994
circumstances for which a recomputation is made under this	37995
section, the amount of the recomputation shall be reduced and	37996
transferred in accordance with division (C) of section 3316.20	37997
of the Revised Code.	37998
Sec. 3317.0211. (A) As used in this section:	37999
(1) "Port authority" means any port authority as defined	38000
in section 4582.01 or 4582.21 of the Revised Code.	38001
(2) "Real property" includes public utility real property	38002
and "personal property" includes public utility personal	38003
property.	38004
(3) "Uncollected taxes" means property taxes charged and	38005
payable against the property of a port authority for a tax year	38006
that a school district has not collected.	38007
(4) "Basic state aid" means a school district's state	38008
education aid.	38009
(5) "Effective value" means the sum of the effective	38010
residential/agricultural real property value, the effective	38011
nonresidential/agricultural real property value, and the	38012
effective personal value.	38013
(6) "Effective residential/agricultural real property	38014
value" means, for a tax year, the amount obtained by multiplying	38015
the value for that year of residential/agricultural real	38016
property subject to taxation in the district by a fraction, the	38017
numerator of which is the total taxes charged and payable for	38018

that year against the residential/agricultural real property 38019
subject to taxation in the district, exclusive of the 38020
uncollected taxes for that year on all real property subject to 38021
taxation in the district, and the denominator of which is the 38022
total taxes charged and payable for that year against the 38023
residential/agricultural real property subject to taxation in 38024
the district. 38025

(7) "Effective nonresidential/agricultural real property 38026
value" means, for a tax year, the amount obtained by multiplying 38027
the value for that year of nonresidential/agricultural real 38028
property subject to taxation in the district by a fraction, the 38029
numerator of which is the total taxes charged and payable for 38030
that year against the nonresidential/agricultural real property 38031
subject to taxation in the district, exclusive of the 38032
uncollected taxes for that year on all real property subject to 38033
taxation in the district, and the denominator of which is the 38034
total taxes charged and payable for that year against the 38035
nonresidential/agricultural real property subject to taxation in 38036
the district. 38037

(8) "Effective personal value" means, for a tax year, the 38038
amount obtained by multiplying the value for that year certified 38039
under division (A) (2) of section 3317.021 of the Revised Code by 38040
a fraction, the numerator of which is the total taxes charged 38041
and payable for that year against personal property subject to 38042
taxation in the district, exclusive of the uncollected taxes for 38043
that year on that property, and the denominator of which is the 38044
total taxes charged and payable for that year against personal 38045
property subject to taxation in the district. 38046

(9) "Nonresidential/agricultural real property value" 38047
means, for a tax year, the sum of the values certified for a 38048

school district for that year under division (B) (2) (a) of this 38049
section, and "residential/agricultural real property value" 38050
means, for a tax year, the sum of the values certified for a 38051
school district under division (B) (2) (b) of this section. 38052

(10) "Taxes charged and payable against real property" 38053
means the taxes charged and payable against that property after 38054
making the reduction required by section 319.301 of the Revised 38055
Code. 38056

(11) "Total taxes charged and payable" has the same 38057
meaning given "taxes charged and payable" in section 3317.02 of 38058
the Revised Code. 38059

(B) (1) By the first day of August of any calendar year, a 38060
school district shall notify the department of education and 38061
workforce if it has any uncollected taxes from one port 38062
authority for the second preceding tax year whose taxes charged 38063
and payable represent at least one-half of one per cent of the 38064
district's total taxes charged and payable for that tax year. 38065

(2) The department shall verify whether the district has 38066
such uncollected taxes by the first day of September, and if the 38067
district does, shall immediately request the county auditor of 38068
each county in which the school district has territory to 38069
certify the following information concerning the district's 38070
property values and taxes for the second preceding tax year, and 38071
each such auditor shall certify that information to the 38072
department within thirty days of receiving the request: 38073

(a) The value of the property subject to taxation in the 38074
district that was classified as nonresidential/agricultural real 38075
property pursuant to section 5713.041 of the Revised Code, and 38076
the taxes charged and payable on that property; and 38077

(b) The value of the property subject to taxation in the district that was classified as residential/agricultural real property under section 5713.041 of the Revised Code.

(C) By the fifteenth day of November, the department shall compute the district's effective nonresidential/agricultural real property value, effective residential/agricultural real property value, effective personal value, and effective value, and shall determine whether the school district's effective value for the second preceding tax year is at least one per cent less than its total value for that year certified under divisions (A) (1) and (2) of section 3317.021 of the Revised Code. If it is, the department shall recompute the basic state aid payable to the district for the immediately preceding fiscal year using the effective value in lieu of the amounts previously certified under section 3317.021 of the Revised Code. The difference between the original basic state aid amount computed for the district for the preceding fiscal year and the recomputed amount shall be paid to the district from the lottery profits education fund before the end of the current fiscal year.

(D) Except as provided in division (E) of this section, amounts received by a school district under division (C) of this section shall be repaid to the department ~~of education~~ in any future year to the extent the district receives payments of uncollectable taxes in such future year. The department shall notify a district of any amount owed under this division.

(E) If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this

section, the amount of the recomputation shall be reduced and 38108
transferred in accordance with division (C) of section 3316.20 38109
of the Revised Code. 38110

Sec. 3317.0212. (A) As used in this section: 38111

(1) For fiscal years 2022 and 2023, "assigned bus" means a 38112
school bus used to transport qualifying riders. 38113

(2) For fiscal years 2022 and 2023, "density" means the 38114
total riders per square mile of a school district. 38115

(3) For fiscal years 2022 and 2023, "nontraditional 38116
ridership" means the average number of qualifying riders who are 38117
enrolled in a community school established under Chapter 3314. 38118
of the Revised Code, in a STEM school established under Chapter 38119
3326. of the Revised Code, or in a nonpublic school and are 38120
provided school bus service by a school district during the 38121
first full week of October. 38122

(4) "Qualifying riders" means the following: 38123

(a) For fiscal years 2022 and 2023, resident students 38124
enrolled in preschool and regular education in grades 38125
kindergarten to twelve who are provided school bus service by a 38126
school district, including students with dual enrollment in a 38127
joint vocational school district or a cooperative education 38128
school district, and students enrolled in a community school, 38129
STEM school, or nonpublic school; 38130

(b) For fiscal year 2024 and each fiscal year thereafter, 38131
students specified by the general assembly. 38132

(5) "Qualifying ridership" means the following: 38133

(a) For fiscal years 2022 and 2023, the greater of the 38134
average number of qualifying riders counted in the morning or 38135

counted in the afternoon who are provided school bus service by	38136
a school district during the first full week of October;	38137
(b) For fiscal year 2024 and each fiscal year thereafter,	38138
a ridership determined in a manner specified by the general	38139
assembly.	38140
(6) "Rider density" means the following:	38141
(a) For fiscal years 2022 and 2023, the following	38142
quotient:	38143
A school district's total number of qualifying riders/ the	38144
number of square miles in the district	38145
(b) For fiscal year 2024 and each fiscal year thereafter,	38146
a number calculated in a manner determined by the general	38147
assembly.	38148
(7) For fiscal years 2022 and 2023, "riders" means	38149
students enrolled in regular and special education in grades	38150
kindergarten through twelve who are provided school bus service	38151
by a school district, including students with dual enrollment in	38152
a joint vocational school district or a cooperative education	38153
school district, and students enrolled in a community school,	38154
STEM school, or nonpublic school.	38155
(8) "School bus service" means a school district's	38156
transportation of qualifying riders in any of the following	38157
types of vehicles:	38158
(a) School buses owned or leased by the district;	38159
(b) School buses operated by a private contractor hired by	38160
the district;	38161
(c) School buses operated by another school district or	38162

entity with which the district has contracted, either as part of 38163
a consortium for the provision of transportation or otherwise. 38164

(B) Not later than the first day of November, for fiscal 38165
years 2022 and 2023, or a date determined by the general 38166
assembly, for fiscal year 2024 and each fiscal year thereafter, 38167
of each year, each city, local, and exempted village school 38168
district shall report to the department of education and 38169
workforce its qualifying ridership and any other information 38170
requested by the department. Subsequent adjustments to the 38171
reported numbers shall be made only in accordance with rules 38172
adopted by the department. 38173

(C) The department shall calculate the statewide 38174
transportation cost per student as follows: 38175

(1) Determine each city, local, and exempted village 38176
school district's transportation cost per student by dividing 38177
the district's total costs for school bus service in the 38178
previous fiscal year by its qualifying ridership in the previous 38179
fiscal year. 38180

(2) After excluding districts that do not provide school 38181
bus service and the ten districts with the highest 38182
transportation costs per student and the ten districts with the 38183
lowest transportation costs per student, divide the aggregate 38184
cost for school bus service for the remaining districts in the 38185
previous fiscal year by the aggregate qualifying ridership of 38186
those districts in the previous fiscal year. 38187

(D) The department shall calculate the statewide 38188
transportation cost per mile as follows: 38189

(1) Determine each city, local, and exempted village 38190
school district's transportation cost per mile by dividing the 38191

district's total costs for school bus service in the previous 38192
fiscal year by its total number of miles driven for school bus 38193
service in the previous fiscal year. 38194

(2) After excluding districts that do not provide school 38195
bus service and the ten districts with the highest 38196
transportation costs per mile and the ten districts with the 38197
lowest transportation costs per mile, divide the aggregate cost 38198
for school bus service for the remaining districts in the 38199
previous fiscal year by the aggregate miles driven for school 38200
bus service in those districts in the previous fiscal year. 38201

(E) The department shall calculate each city, local, and 38202
exempted village school district's transportation base payment 38203
as follows: 38204

(1) For fiscal years 2022 and 2023: 38205

(a) Calculate the sum of the following: 38206

(i) The product of the statewide transportation cost per 38207
student and the number of students counted in the district's 38208
qualifying ridership for the current fiscal year who are 38209
enrolled in the district; 38210

(ii) 1.5 times the statewide transportation cost per 38211
student times the number of students counted in the district's 38212
qualifying ridership for the current fiscal year who are 38213
enrolled in community schools established under Chapter 3314. of 38214
the Revised Code or STEM schools established under Chapter 3326. 38215
of the Revised Code; 38216

(iii) 2.0 times the statewide transportation cost per 38217
student times the number of students counted in the district's 38218
qualifying ridership for the current fiscal year who are 38219
enrolled in nonpublic schools. 38220

(b) Multiply the statewide transportation cost per mile by the district's total number of miles driven for school bus service in the current fiscal year. 38221
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38223

(c) Multiply the greater of the amounts calculated under divisions (E) (1) (a) and (b) of this section by the following: 38224
38225

(i) For fiscal year 2022, the greater of twenty-nine and one-sixth per cent or the district's state share percentage, as defined in section 3317.02 of the Revised Code; 38226
38227
38228

(ii) For fiscal year 2023, the greater of thirty-three and one-third per cent or the district's state share percentage. 38229
38230

(2) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly. 38231
38232

(F) For fiscal years 2022 and 2023, the department shall pay a district's efficiency adjustment payment in accordance with divisions (F) (1) to (3) of this section. For fiscal year 2024 and each fiscal year thereafter, the department shall pay a district's efficiency adjustment payment in a manner determined by the general assembly, if the general assembly authorizes such a payment to districts. 38233
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(1) The department annually shall establish a target number of qualifying riders per assigned bus for each city, local, and exempted village school district. The department shall use the most recently available data in establishing the target number. The target number shall be based on the statewide median number of riders per assigned bus as adjusted to reflect the district's density in comparison to the density of all other districts. The department shall post on the department's web site each district's target number of riders per assigned bus and a description of how the target number was determined. 38240
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(2) The department shall determine each school district's efficiency index by dividing the district's number of riders per assigned bus by its target number of riders per assigned bus.

(3) The department shall determine each city, local, and exempted village school district's efficiency adjustment payment as follows:

(a) If the district's efficiency index is equal to or greater than 1.5, the efficiency adjustment payment shall be calculated according to the following formula:

0.15 X the district's transportation base payment calculated under division (E) of this section

(b) If the district's efficiency index is less than 1.5 but greater than or equal to 1.0, the efficiency adjustment payment shall be calculated according to the following formula:

{[(The district's efficiency index - 1) X 0.15]/0.5} X the district's transportation base payment calculated under division (E) of this section

(c) If the district's efficiency index is less than 1.0, the efficiency adjustment payment shall be zero.

(G) In addition to funds paid under divisions (E), (F), and (H) of this section, each city, local, and exempted village district shall receive in accordance with rules adopted by the ~~state board of education department~~ a payment for students transported by means other than school bus service and whose transportation is not funded under division (C) of section 3317.024 of the Revised Code. The rules shall include provisions for school district reporting of such students.

(H) (1) For purposes of division (H) of this section, a

school district's "transportation supplement percentage" means 38278
the following: 38279

(a) For fiscal years 2022 and 2023, the following 38280
quotient: 38281

(28 - the district's rider density) / 100 38282

If the result of the calculation for a district under 38283
division (H) (1) (a) of this section is less than zero, the 38284
district's transportation supplement percentage shall be zero. 38285

(b) For fiscal year 2024 and each fiscal year thereafter, 38286
a percentage calculated in a manner determined by the general 38287
assembly. 38288

(2) The department shall pay each district a 38289
transportation supplement calculated according to the following 38290
formula: 38291

The district's transportation supplement percentage X the amount 38292
calculated for the district under division (E) (1) (b) of this 38293
section X 0.55 38294

(I) (1) If a school district board and a community school 38295
governing authority elect to enter into an agreement under 38296
division (A) of section 3314.091 of the Revised Code, the 38297
department shall make payments to the community school according 38298
to the terms of the agreement for each student actually 38299
transported under division (C) (1) of that section. If a 38300
community school governing authority accepts transportation 38301
responsibility under division (B) of that section, the 38302
department shall make payments to the community school for each 38303
student actually transported or for whom transportation is 38304
arranged by the community school under division (C) (1) of that 38305
section, calculated as follows: 38306

(a) For any fiscal year which the general assembly has specified that transportation payments to school districts be based on an across-the-board percentage of the district's payment for the previous school year, the per pupil payment to the community school shall be the following quotient:

(i) The total amount calculated for the school district in which the child is entitled to attend school for student transportation other than transportation of children with disabilities; divided by

(ii) The number of students included in the district's transportation ADM for the current fiscal year, as calculated under section 3317.03 of the Revised Code, plus the number of students enrolled in the community school not counted in the district's transportation ADM who are transported under division (B) (1) or (2) of section 3314.091 of the Revised Code.

(b) For any fiscal year which the general assembly has specified that the transportation payments to school districts be calculated in accordance with this section and any rules of the ~~state board of education~~ department implementing this section, the payment to the community school shall be the following:

(i) For fiscal years 2022 and 2023, either of the following:

(I) If the school district in which the student is entitled to attend school would have used a method of transportation for the student for which payments are computed and paid under division (E) of this section, 1.0 times the statewide transportation cost per student, as calculated in division (C) of this section;

(II) If the school district in which the student is 38336
entitled to attend school would have used a method of 38337
transportation for the student for which payments are computed 38338
and paid in a manner described in division (G) of this section, 38339
the amount that would otherwise be computed for and paid to the 38340
district. 38341

(ii) For fiscal year 2024 and each fiscal year thereafter, 38342
an amount calculated in a manner determined by the general 38343
assembly. 38344

The community school, however, is not required to use the 38345
same method to transport the student. 38346

As used in this division, "entitled to attend school" 38347
means entitled to attend school under section 3313.64 or 3313.65 38348
of the Revised Code. 38349

(2) A community school shall be paid under division ~~(H)(1)~~ 38350
(I)(2) of this section only for students who are eligible as 38351
specified in section 3327.01 of the Revised Code and division 38352
(C)(1) of section 3314.091 of the Revised Code, and whose 38353
transportation to and from school is actually provided, who 38354
actually utilized transportation arranged, or for whom a payment 38355
in lieu of transportation is made by the community school's 38356
governing authority. To qualify for the payments, the community 38357
school shall report to the department, in the form and manner 38358
required by the department, data on the number of students 38359
transported or whose transportation is arranged, the number of 38360
miles traveled, cost to transport, and any other information 38361
requested by the department. 38362

Sec. 3317.0213. (A) The department of education and 38363
workforce shall compute and pay in accordance with this section 38364

additional state aid for preschool children with disabilities to 38365
each city, local, and exempted village school district and to 38366
each institution, as defined in section 3323.091 of the Revised 38367
Code. Funding shall be provided for children who are not 38368
enrolled in kindergarten and who are under age six on the 38369
thirtieth day of September of the academic year, or on the first 38370
day of August of the academic year if the school district in 38371
which the child is enrolled has adopted a resolution under 38372
division (A) (3) of section 3321.01 of the Revised Code, but not 38373
less than age three on the first day of December of the academic 38374
year. 38375

For fiscal years 2022 and 2023, the additional state aid 38376
shall be calculated under the following formula: 38377

(\$4,000 X the number of students who are preschool 38378
children with disabilities) + the sum of the following: 38379

(1) The district's or institution's category one special 38380
education students who are preschool children with disabilities 38381
X the multiple specified in division (A) of section 3317.013 of 38382
the Revised Code X the statewide average base cost per pupil for 38383
that fiscal year X the district's state share percentage X 0.50; 38384

(2) The district's or institution's category two special 38385
education students who are preschool children with disabilities 38386
X the multiple specified in division (B) of section 3317.013 of 38387
the Revised Code X the statewide average base cost per pupil for 38388
that fiscal year X the district's state share percentage X 0.50; 38389

(3) The district's or institution's category three special 38390
education students who are preschool children with disabilities 38391
X the multiple specified in division (C) of section 3317.013 of 38392
the Revised Code X the statewide average base cost per pupil for 38393

that fiscal year X the district's state share percentage X 0.50; 38394

(4) The district's or institution's category four special 38395
education students who are preschool children with disabilities 38396
X the multiple specified in division (D) of section 3317.013 of 38397
the Revised Code X the statewide average base cost per pupil for 38398
that fiscal year X the district's state share percentage X 0.50; 38399

(5) The district's or institution's category five special 38400
education students who are preschool children with disabilities 38401
X the multiple specified in division (E) of section 3317.013 of 38402
the Revised Code X the statewide average base cost per pupil for 38403
that fiscal year X the district's state share percentage X 0.50; 38404

(6) The district's or institution's category six special 38405
education students who are preschool children with disabilities 38406
X the multiple specified in division (F) of section 3317.013 of 38407
the Revised Code X the statewide average base cost per pupil for 38408
that fiscal year X the district's state share percentage X 0.50. 38409

For fiscal year 2024 and each fiscal year thereafter, the 38410
additional state aid shall be calculated for each category of 38411
special education students who are preschool children with 38412
disabilities using a formula specified by the general assembly. 38413

The special education disability categories for preschool 38414
children used in this section are the same categories prescribed 38415
in section 3317.013 of the Revised Code. 38416

As used in division (A) of this section, the state share 38417
percentage of a student enrolled in an institution is the state 38418
share percentage of the school district in which the student is 38419
entitled to attend school under section 3313.64 or 3313.65 of 38420
the Revised Code. 38421

(B) If an educational service center is providing services 38422

to students who are preschool children with disabilities under 38423
agreement with the city, local, or exempted village school 38424
district in which the students are entitled to attend school, 38425
that district may authorize the department to transfer funds 38426
computed under this section to the service center providing 38427
those services. 38428

(C) If a county DD board is providing services to students 38429
who are preschool children with disabilities under agreement 38430
with the city, local, or exempted village school district in 38431
which the students are entitled to attend school, the department 38432
shall deduct from the district's payment computed under division 38433
(A) of this section the total amount of those funds that are 38434
attributable to the students served by the county DD board and 38435
pay that amount to that board. 38436

Sec. 3317.0214. (A) The department of education and 38437
workforce shall compute and pay in accordance with this section 38438
additional state aid to school districts for students in 38439
categories two through six special education ADM. If a 38440
district's costs for the fiscal year for a student in its 38441
categories two through six special education ADM exceed the 38442
threshold catastrophic cost for serving the student, the 38443
district may submit to the ~~superintendent of public instruction~~
department documentation, as prescribed by the 38444
~~superintendent~~department, of all its costs for that student. 38445
Upon submission of documentation for a student of the type and 38446
in the manner prescribed, the department shall pay to the 38447
district an amount equal to the sum of the following: 38448
38449

(1) One-half of the district's costs for the student in 38450
excess of the threshold catastrophic cost; 38451

(2) The product of one-half of the district's costs for 38452

the student in excess of the threshold catastrophic cost 38453
multiplied by the district's state share percentage. 38454

(B) For purposes of division (A) of this section, the 38455
threshold catastrophic cost for serving a student equals: 38456

(1) For a student in the school district's category two, 38457
three, four, or five special education ADM, twenty-seven 38458
thousand three hundred seventy-five dollars; 38459

(2) For a student in the district's category six special 38460
education ADM, thirty-two thousand eight hundred fifty dollars. 38461

(C) The district shall report under division (A) of this 38462
section, and the department shall pay for, only the costs of 38463
educational expenses and the related services provided to the 38464
student in accordance with the student's individualized 38465
education program. Any legal fees, court costs, or other costs 38466
associated with any cause of action relating to the student may 38467
not be included in the amount. 38468

Sec. 3317.0215. (A) (1) For fiscal years 2022 and 2023, the 38469
department of education and workforce shall withhold from the 38470
aggregate amount paid for a fiscal year to each city, local, 38471
exempted village, and joint vocational school district, 38472
community school established under Chapter 3314. of the Revised 38473
Code, and science, technology, engineering, and mathematics 38474
school established under Chapter 3326. of the Revised Code an 38475
amount equal to the following: 38476

(a) In the case of a city, local, or exempted village 38477
school district, the aggregate amount of special education 38478
funding paid to the district under division (A) (3) of section 38479
3317.022 of the Revised Code times 0.10, subject to any funding 38480
limitations enacted by the general assembly to the computation. 38481

(b) In the case of a community school or STEM school, the 38482
aggregate amount of special education funding paid to the school 38483
under division (A) (1) (b) of section 3317.026 of the Revised Code 38484
times 0.10, subject to any funding limitations enacted by the 38485
general assembly to the computation. 38486

(c) In the case of a joint vocational school district, the 38487
aggregate amount of special education funding paid to the school 38488
under division (A) (2) of section 3317.16 of the Revised Code 38489
times 0.10, subject to any funding limitations enacted by the 38490
general assembly to the computation. 38491

(2) For fiscal year 2024 and each fiscal year thereafter, 38492
the department ~~of education~~ shall withhold from the aggregate 38493
amount paid for a fiscal year to each city, local, exempted 38494
village, and joint vocational school district, community school, 38495
and science, technology, engineering, and mathematics school an 38496
amount determined by the general assembly, if any, for purposes 38497
of this section. 38498

(B) For fiscal years 2022 and 2023, the department shall 38499
use the amount of funds withheld under division (A) of this 38500
section for purposes of division (C) (1) of section 3314.08 of 38501
the Revised Code, section 3317.0214 of the Revised Code, 38502
division (B) of section 3317.16 of the Revised Code, and section 38503
3326.34 of the Revised Code. 38504

For fiscal year 2024 and each fiscal year thereafter, the 38505
department shall use the amount of funds withheld under division 38506
(A) of this section, if any, for purposes determined by the 38507
general assembly. 38508

Sec. 3317.0217. This section shall apply only for fiscal 38509
years 2022 and 2023. 38510

Payment of the amount calculated for a school district 38511
under this section shall be made under division (A) of section 38512
3317.022 of the Revised Code. 38513

(A) For each fiscal year, the department of education and 38514
workforce shall compute targeted assistance funds for city, 38515
local, and exempted village school districts, in accordance with 38516
the following formula: 38517

A district's capacity amount for that fiscal year calculated 38518
under division (B) of this section + a district's wealth amount 38519
for that fiscal year calculated under division (C) of this 38520
section 38521

(B) The department shall calculate each district's 38522
capacity amount for a fiscal year as follows: 38523

(1) Calculate each district's weighted wealth for that 38524
fiscal year, which equals the following sum: 38525

(The amount determined for the district for that fiscal year 38526
under division (A) (1) (a) of section 3317.017 of the Revised Code 38527
X 0.6) + (the amount determined for the district for that fiscal 38528
year under division (A) (2) (a) of section 3317.017 of the Revised 38529
Code X 0.4) 38530

(2) Determine the median weighted wealth of all school 38531
districts in this state for that fiscal year; 38532

(3) Compute each district's capacity index for that fiscal 38533
year by dividing the median weighted wealth of all school 38534
districts in this state for that fiscal year by the district's 38535
weighted wealth for that fiscal year; 38536

(4) Compute each district's capacity amount for that 38537
fiscal year as follows: 38538

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year:

(i) The district's capacity index is less than 1.

(ii) The district's enrolled ADM is less than 200.

(b) If the district does not satisfy either of the criteria specified in division (B) (4) (a) of this section for that fiscal year, the district's capacity amount for that fiscal year shall be calculated as follows:

(i) Compute the following amount for the district:

(The median weighted wealth of all school districts in this state for that fiscal year X 0.008) - (the district's weighted wealth for that fiscal year X 0.008)

(ii) If the district's enrolled ADM for that fiscal year is greater than or equal to 200 but less than or equal to 400, the district's capacity amount for that fiscal year shall be equal to 0.05 X the amount computed under division (B) (4) (b) (i) of this section.

(iii) If the district's enrolled ADM for that fiscal year is greater than 400 and less than 600, the district's capacity amount for that fiscal year shall be calculated in accordance with the following formula:

$$\{[0.95 \times (\text{the district's enrolled ADM for that fiscal year} - 400) / 200] + 0.05\} \times \text{the amount computed under division (B) (4) (b) (i) of this section}$$

(iv) If the district's enrolled ADM for that fiscal year is greater than or equal to 600, the district's capacity amount for that fiscal year shall be equal to the amount computed under

division (B) (4) (b) (i) of this section. 38567

(C) The department shall calculate each district's wealth 38568
amount for a fiscal year as follows: 38569

(1) Calculate each district's weighted wealth per pupil 38570
for that fiscal year, which equals the following quotient: 38571

The district's weighted wealth for that fiscal year calculated 38572
under division (B) (1) of this section/ (the district's enrolled 38573
ADM for that fiscal year - the students described in division 38574
(A) (1) (b) of section 3317.03 of the Revised Code + the students 38575
described in division (A) (2) (d) of section 3317.03 of the 38576
Revised Code) 38577

(2) Determine the median weighted wealth per pupil of all 38578
school districts in this state for that fiscal year; 38579

(3) Compute each district's wealth index for that fiscal 38580
year by dividing the median weighted wealth per pupil of all 38581
school districts in this state for that fiscal year by the 38582
district's weighted wealth per pupil for that fiscal year; 38583

(4) Compute each district's wealth amount for that fiscal 38584
year, as follows: 38585

(a) If the district's wealth index computed under division 38586
(C) (3) of this section for that fiscal year is less than 0.8, 38587
the district's wealth amount for that fiscal year shall be zero. 38588

(b) If the district's wealth index computed under division 38589
(C) (3) of this section for that fiscal year is greater than or 38590
equal to 0.8, the district's wealth amount for that fiscal year 38591
shall be calculated in accordance with the following formula: 38592

[(The median weighted wealth per pupil of all school districts 38593
in this state for that fiscal year X 0.014) - (the district's 38594

weighted wealth per pupil for that fiscal year X 0.0112)] X the 38595
district's enrolled ADM for that fiscal year 38596

Sec. 3317.0218. This section shall apply only for fiscal 38597
years 2022 and 2023. 38598

For each fiscal year, the department of education and 38599
workforce shall compute supplemental targeted assistance for 38600
each city, local, and exempted village school district as 38601
follows: 38602

(A) Determine if the district satisfies both of the 38603
following criteria: 38604

(1) The wealth index calculated for the district for 38605
fiscal year 2019 under division (A) (4) of former section 38606
3317.0217 of the Revised Code as it existed prior to ~~the~~ 38607
~~effective date of this section~~ September 30, 2021, is greater 38608
than 1.6; 38609

(2) The district's enrolled ADM for fiscal year 2019 is 38610
less than eighty-eight per cent of the district's total ADM for 38611
fiscal year 2019. 38612

(B) Determine the maximum of the wealth indices calculated 38613
under division (A) (4) of former section 3317.0217 of the Revised 38614
Code as it existed prior to ~~the effective date of this section~~ 38615
September 30, 2021, for all districts that satisfy both of the 38616
criteria specified under division (A) of this section; 38617

(C) If the district satisfies both of the criteria 38618
specified under division (A) of this section, compute the 38619
district's supplemental amount as the product of the following: 38620

(1) {[The number specified under division (A) (1) of this 38621
section - 1.6)/ (the number determined under division (B) of 38622

this section - 1.6)] X 675} + 75; 38623

(2) The district's enrolled ADM. 38624

(D) If the district does not satisfy both of the criteria 38625
specified under division (A) of this section, the district's 38626
supplemental amount shall be equal to zero. 38627

Sec. 3317.03. (A) The superintendent of each city, local, 38628
and exempted village school district shall report to the ~~state-~~ 38629
~~board-department of education and workforce~~ as of the last day 38630
of October, March, and June of each year the enrollment of 38631
students receiving services from schools under the 38632
superintendent's supervision, and the numbers of other students 38633
entitled to attend school in the district under section 3313.64 38634
or 3313.65 of the Revised Code the superintendent is required to 38635
report under this section, so that the ~~department of education~~ 38636
can calculate the district's enrolled ADM, formula ADM, total 38637
ADM, category one through five career-technical education ADM, 38638
category one through three English learner ADM, category one 38639
through six special education ADM, transportation ADM, and, for 38640
purposes of provisions of law outside of Chapter 3317. of the 38641
Revised Code, average daily membership. 38642

(1) The enrollment reported by the superintendent during 38643
the reporting period shall consist of the number of students in 38644
grades kindergarten through twelve receiving any educational 38645
services from the district, except that the following categories 38646
of students shall not be included in the determination: 38647

(a) Students enrolled in adult education classes; 38648

(b) Adjacent or other district students enrolled in the 38649
district under an open enrollment policy pursuant to section 38650
3313.98 of the Revised Code; 38651

(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 another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

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

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

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

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

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

(b) An alternative school pursuant to sections 3313.974 to 3313.979 of the Revised Code;

(c) A college pursuant to Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314., a

science, technology, engineering, and mathematics school	38681
established under Chapter 3326., or a college-preparatory	38682
boarding school established under Chapter 3328. of the Revised	38683
Code;	38684
(d) An adjacent or other school district under an open	38685
enrollment policy adopted pursuant to section 3313.98 of the	38686
Revised Code;	38687
(e) An educational service center or cooperative education	38688
district;	38689
(f) Another school district under a cooperative education	38690
agreement, compact, or contract;	38691
(g) A chartered nonpublic school with a scholarship paid	38692
under section 3317.022 of the Revised Code, if the students	38693
qualified for the scholarship under section 3310.03 or 3310.032	38694
of the Revised Code;	38695
(h) An alternative public provider or a registered private	38696
provider with a scholarship awarded under either section 3310.41	38697
or sections 3310.51 to 3310.64 of the Revised Code.	38698
As used in this section, "alternative public provider" and	38699
"registered private provider" have the same meanings as in	38700
section 3310.41 or 3310.51 of the Revised Code, as applicable.	38701
(i) A science, technology, engineering, and mathematics	38702
school established under Chapter 3326. of the Revised Code,	38703
including any participation in a college pursuant to Chapter	38704
3365. of the Revised Code while enrolled in the school;	38705
(j) A college-preparatory boarding school established	38706
under Chapter 3328. of the Revised Code, including any	38707
participation in a college pursuant to Chapter 3365. of the	38708

Revised Code while enrolled in the school. 38709

(3) The department also shall compile a list of the 38710
students entitled to attend school in the district under section 38711
3313.64 or 3313.65 of the Revised Code who are enrolled in a 38712
joint vocational school district or under a career-technical 38713
education compact, excluding any students so entitled to attend 38714
school in the district who are enrolled in another school 38715
district through an open enrollment policy as reported under 38716
division (A) (2) (d) of this section and then enroll in a joint 38717
vocational school district or under a career-technical education 38718
compact. 38719

The department shall provide each city, local, and 38720
exempted village school district with an opportunity to review 38721
the list of students compiled under divisions (A) (2) and (3) of 38722
this section to ensure that the students reported accurately 38723
reflect the enrollment of students in the district. 38724

(B) To enable the department ~~of education~~ to obtain the 38725
data needed to complete the calculation of payments pursuant to 38726
this chapter, each superintendent shall certify from the reports 38727
provided by the department under division (A) of this section 38728
all of the following: 38729

(1) The total student enrollment in regular learning day 38730
classes included in the report under division (A) (1) or (2), 38731
including any student described in division (A) (1) (b) of this 38732
section and excluding any student reported under divisions (A) 38733
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, of 38734
this section for each of the individual grades kindergarten 38735
through twelve in schools under the superintendent's 38736
supervision; 38737

(2) The unduplicated count of the number of preschool children with disabilities enrolled in the district 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, in accordance with the disability categories prescribed in section 3317.013 of the Revised Code; 38738
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(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are: 38744
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38746

(a) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code; 38747
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(b) Participating in a program operated by a county board of developmental disabilities or a state institution~~+~~. 38754
38755

(4) The total enrollment of pupils in joint vocational schools; 38756
38757

(5) The combined enrollment of children with disabilities reported under division (A) (1) or (2) of this section, including any student described in division (A) (1) (b) of this section and excluding any student reported under divisions (A) (2) (a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider 38758
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with a scholarship awarded under sections 3310.51 to 3310.64 of 38767
the Revised Code; 38768

(6) The combined enrollment of children with disabilities 38769
reported under division (A)(1) or (2) of this section, including 38770
any student described in division (A)(1)(b) of this section and 38771
excluding any student reported under divisions (A)(2)(a), (b), 38772
(d), (g), (h), (i), and (j) of this section, receiving special 38773
education services for category two disabilities described in 38774
division (B) of section 3317.013 of the Revised Code, including 38775
children attending a special education program operated by an 38776
alternative public provider or a registered private provider 38777
with a scholarship awarded under sections 3310.51 to 3310.64 of 38778
the Revised Code; 38779

(7) The combined enrollment of children with disabilities 38780
reported under division (A)(1) or (2) of this section, including 38781
any student described in division (A)(1)(b) of this section and 38782
excluding any student reported under divisions (A)(2)(a), (b), 38783
(d), (g), (h), (i), and (j) of this section, receiving special 38784
education services for category three disabilities described in 38785
division (C) of section 3317.013 of the Revised Code, including 38786
children attending a special education program operated by an 38787
alternative public provider or a registered private provider 38788
with a scholarship awarded under sections 3310.51 to 3310.64 of 38789
the Revised Code; 38790

(8) The combined enrollment of children with disabilities 38791
reported under division (A)(1) or (2) of this section, including 38792
any student described in division (A)(1)(b) of this section and 38793
excluding any student reported under divisions (A)(2)(a), (b), 38794
(d), (g), (h), (i), and (j) of this section, receiving special 38795
education services for category four disabilities described in 38796

division (D) of section 3317.013 of the Revised Code, including 38797
children attending a special education program operated by an 38798
alternative public provider or a registered private provider 38799
with a scholarship awarded under sections 3310.51 to 3310.64 of 38800
the Revised Code; 38801

(9) The combined enrollment of children with disabilities 38802
reported under division (A) (1) or (2) of this section, including 38803
any student described in division (A) (1) (b) of this section and 38804
excluding any student reported under divisions (A) (2) (a), (b), 38805
(d), (g), (h), (i), and (j) of this section, receiving special 38806
education services for the category five disabilities described 38807
in division (E) of section 3317.013 of the Revised Code, 38808
including children attending a special education program 38809
operated by an alternative public provider or a registered 38810
private provider with a scholarship awarded under sections 38811
3310.51 to 3310.64 of the Revised Code; 38812

(10) The combined enrollment of children with disabilities 38813
reported under division (A) (1) or (2) of this section, including 38814
any student described in division (A) (1) (b) of this section and 38815
excluding any student reported under divisions (A) (2) (a), (b), 38816
(d), (g), (h), (i), and (j) of this section, receiving special 38817
education services for category six disabilities described in 38818
division (F) of section 3317.013 of the Revised Code, including 38819
children attending a special education program operated by an 38820
alternative public provider or a registered private provider 38821
with a scholarship awarded under either section 3310.41 or 38822
sections 3310.51 to 3310.64 of the Revised Code; 38823

(11) The enrollment of pupils reported under division (A) 38824
(1) or (2) of this section on a full-time equivalency basis, 38825
including any student described in division (A) (1) (b) of this 38826

section and excluding any student reported under divisions (A) 38827
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 38828
category one career-technical education programs or classes, 38829
described in division (A) (1) of section 3317.014 of the Revised 38830
Code, operated by the school district or by another district 38831
that is a member of the district's career-technical planning 38832
district, other than a joint vocational school district, or by 38833
an educational service center, notwithstanding division (M) of 38834
section 3317.02 of the Revised Code and division (C) (3) of this 38835
section; 38836

(12) The enrollment of pupils reported under division (A) 38837
(1) or (2) of this section on a full-time equivalency basis, 38838
including any student described in division (A) (1) (b) of this 38839
section and excluding any student reported under divisions (A) 38840
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 38841
category two career-technical education programs or services, 38842
described in division (A) (2) of section 3317.014 of the Revised 38843
Code, operated by the school district or another school district 38844
that is a member of the district's career-technical planning 38845
district, other than a joint vocational school district, or by 38846
an educational service center, notwithstanding division (M) of 38847
section 3317.02 of the Revised Code and division (C) (3) of this 38848
section; 38849

(13) The enrollment of pupils reported under division (A) 38850
(1) or (2) of this section on a full-time equivalency basis, 38851
including any student described in division (A) (1) (b) of this 38852
section and excluding any student reported under divisions (A) 38853
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 38854
category three career-technical education programs or services, 38855
described in division (A) (3) of section 3317.014 of the Revised 38856
Code, operated by the school district or another school district 38857

that is a member of the district's career-technical planning 38858
district, other than a joint vocational school district, or by 38859
an educational service center, notwithstanding division (M) of 38860
section 3317.02 of the Revised Code and division (C) (3) of this 38861
section; 38862

(14) The enrollment of pupils reported under division (A) 38863
(1) or (2) of this section on a full-time equivalency basis, 38864
including any student described in division (A) (1) (b) of this 38865
section and excluding any student reported under divisions (A) 38866
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 38867
category four career-technical education programs or services, 38868
described in division (A) (4) of section 3317.014 of the Revised 38869
Code, operated by the school district or another school district 38870
that is a member of the district's career-technical planning 38871
district, other than a joint vocational school district, or by 38872
an educational service center, notwithstanding division (M) of 38873
section 3317.02 of the Revised Code and division (C) (3) of this 38874
section; 38875

(15) The enrollment of pupils reported under division (A) 38876
(1) or (2) of this section on a full-time equivalency basis, 38877
including any student described in division (A) (1) (b) of this 38878
section and excluding any student reported under divisions (A) 38879
(2) (a), (b), (d), (g), (h), (i), and (j) of this section, in 38880
category five career-technical education programs or services, 38881
described in division (A) (5) of section 3317.014 of the Revised 38882
Code, operated by the school district or another school district 38883
that is a member of the district's career-technical planning 38884
district, other than a joint vocational school district, or by 38885
an educational service center, notwithstanding division (M) of 38886
section 3317.02 of the Revised Code and division (C) (3) of this 38887
section; 38888

(16) The enrollment of pupils reported under division (A)	38889
(1) or (2) of this section who are English learners described in	38890
division (A) of section 3317.016 of the Revised Code, including	38891
any student described in division (A) (1) (b) of this section and	38892
excluding any student reported under divisions (A) (2) (a), (b),	38893
(d), (g), (h), (i), and (j) of this section;	38894
(17) The enrollment of pupils reported under division (A)	38895
(1) or (2) of this section who are English learners described in	38896
division (B) of section 3317.016 of the Revised Code, including	38897
any student described in division (A) (1) (b) of this section and	38898
excluding any student reported under divisions (A) (2) (a), (b),	38899
(d), (g), (h), (i), and (j) of this section;	38900
(18) The enrollment of pupils reported under division (A)	38901
(1) or (2) of this section who are English learners described in	38902
division (C) of section 3317.016 of the Revised Code, including	38903
any student described in division (A) (1) (b) of this section and	38904
excluding any student reported under divisions (A) (2) (a), (b),	38905
(d), (g), (h), (i), and (j) of this section;	38906
(19) The average number of children transported during the	38907
reporting period by the school district on board-owned or	38908
contractor-owned and -operated buses, reported in accordance	38909
with rules adopted by the department of education ;	38910
(20) (a) The number of children, other than preschool	38911
children with disabilities, the district placed with a county	38912
board of developmental disabilities in fiscal year 1998.	38913
Division (B) (20) (a) of this section does not apply after fiscal	38914
year 2013.	38915
(b) The number of children with disabilities, other than	38916
preschool children with disabilities, placed with a county board	38917

of developmental disabilities in the current fiscal year to 38918
receive special education services for the category one 38919
disability described in division (A) of section 3317.013 of the 38920
Revised Code; 38921

(c) The number of children with disabilities, other than 38922
preschool children with disabilities, placed with a county board 38923
of developmental disabilities in the current fiscal year to 38924
receive special education services for category two disabilities 38925
described in division (B) of section 3317.013 of the Revised 38926
Code; 38927

(d) The number of children with disabilities, other than 38928
preschool children with disabilities, placed with a county board 38929
of developmental disabilities in the current fiscal year to 38930
receive special education services for category three 38931
disabilities described in division (C) of section 3317.013 of 38932
the Revised Code; 38933

(e) The number of children with disabilities, other than 38934
preschool children with disabilities, placed with a county board 38935
of developmental disabilities in the current fiscal year to 38936
receive special education services for category four 38937
disabilities described in division (D) of section 3317.013 of 38938
the Revised Code; 38939

(f) The number of children with disabilities, other than 38940
preschool children with disabilities, placed with a county board 38941
of developmental disabilities in the current fiscal year to 38942
receive special education services for the category five 38943
disabilities described in division (E) of section 3317.013 of 38944
the Revised Code; 38945

(g) The number of children with disabilities, other than 38946

preschool children with disabilities, placed with a county board 38947
of developmental disabilities in the current fiscal year to 38948
receive special education services for category six disabilities 38949
described in division (F) of section 3317.013 of the Revised 38950
Code. 38951

(21) The enrollment of students who are economically 38952
disadvantaged, as defined by the department, including any 38953
student described in divisions (A) (1) (b) of this section and 38954
excluding any student reported under divisions (A) (2) (a), (b), 38955
(d), (g), (h), (i), and (j) of this section. A student shall not 38956
be categorically excluded from the number reported under 38957
division (B) (21) of this section based on anything other than 38958
family income. 38959

(22) The enrollment of students identified as gifted under 38960
division (A), (B), (C), or (D) of section 3324.03 of the Revised 38961
Code. 38962

(C) (1) The ~~state board of education~~ department shall adopt 38963
rules necessary for implementing divisions (A), (B), and (D) of 38964
this section. 38965

(2) A student enrolled in a community school established 38966
under Chapter 3314., a science, technology, engineering, and 38967
mathematics school established under Chapter 3326., or a 38968
college-preparatory boarding school established under Chapter 38969
3328. of the Revised Code shall be counted in the formula ADM of 38970
the school district in which the student is entitled to attend 38971
school under section 3313.64 or 3313.65 of the Revised Code for 38972
the same proportion of the school year that the student is 38973
counted in the enrollment of the community school, the science, 38974
technology, engineering, and mathematics school, or the college- 38975
preparatory boarding school for purposes of section 3317.022 or 38976

3328.24 of the Revised Code. Notwithstanding the enrollment of 38977
students reported pursuant to division (A) (2) (a), (i), or (j) of 38978
this section, the department may adjust the formula ADM of a 38979
school district to account for students entitled to attend 38980
school in the district under section 3313.64 or 3313.65 of the 38981
Revised Code who are enrolled in a community school, a science, 38982
technology, engineering, and mathematics school, or a college- 38983
preparatory boarding school for only a portion of the school 38984
year. 38985

(3) No child shall be counted as more than a total of one 38986
child in the sum of the enrollment of students of a school 38987
district under division (A), divisions (B) (1) to (22), or 38988
division (D) of this section, except as follows: 38989

(a) (i) A child with a disability described in section 38990
3317.013 of the Revised Code may be counted both in formula ADM 38991
and in category one, two, three, four, five, or six special 38992
education ADM and, if applicable, in category one, two, three, 38993
four, or five career-technical education ADM. As provided in 38994
division (M) of section 3317.02 of the Revised Code, such a 38995
child shall be counted in category one, two, three, four, five, 38996
or six special education ADM in the same proportion that the 38997
child is counted in formula ADM. 38998

(ii) A child with a disability described in section 38999
3317.013 of the Revised Code may be counted both in enrolled ADM 39000
and in category one, two, three, four, five, or six special 39001
education ADM and, if applicable, in category one, two, three, 39002
four, or five career-technical education ADM. As provided in 39003
division (M) of section 3317.02 of the Revised Code, such a 39004
child shall be counted in category one, two, three, four, five, 39005
or six special education ADM in the same proportion that the 39006

child is counted in enrolled ADM. 39007

(b) (i) A child enrolled in career-technical education 39008
programs or classes described in section 3317.014 of the Revised 39009
Code may be counted both in formula ADM and category one, two, 39010
three, four, or five career-technical education ADM and, if 39011
applicable, in category one, two, three, four, five, or six 39012
special education ADM. Such a child shall be counted in category 39013
one, two, three, four, or five career-technical education ADM in 39014
the same proportion as the percentage of time that the child 39015
spends in the career-technical education programs or classes. 39016

(ii) A child enrolled in career-technical education 39017
programs or classes described in section 3317.014 of the Revised 39018
Code may be counted both in enrolled ADM and category one, two, 39019
three, four, or five career-technical education ADM and, if 39020
applicable, in category one, two, three, four, five, or six 39021
special education ADM. Such a child shall be counted in category 39022
one, two, three, four, or five career-technical education ADM in 39023
the same proportion as the percentage of time that the child 39024
spends in the career-technical education programs or classes. 39025

(4) Based on the information reported under this section, 39026
the department ~~of education~~ shall determine the total student 39027
count, as defined in section 3301.011 of the Revised Code, for 39028
each school district. 39029

(D) (1) The superintendent of each joint vocational school 39030
district shall report and certify to the ~~superintendent of~~ 39031
~~public instruction department~~ as of the last day of October, 39032
March, and June of each year the enrollment of students 39033
receiving services from schools under the superintendent's 39034
supervision so that the department can calculate the district's 39035
enrolled ADM, formula ADM, total ADM, category one through five 39036

career-technical education ADM, category one through three 39037
English learner ADM, category one through six special education 39038
ADM, and for purposes of provisions of law outside of Chapter 39039
3317. of the Revised Code, average daily membership. 39040

The enrollment reported and certified by the 39041
superintendent, except as otherwise provided in this division, 39042
shall consist of the number of students in grades six through 39043
twelve receiving any educational services from the district, 39044
except that the following categories of students shall not be 39045
included in the determination: 39046

(a) Students enrolled in adult education classes; 39047

(b) Adjacent or other district joint vocational students 39048
enrolled in the district under an open enrollment policy 39049
pursuant to section 3313.98 of the Revised Code; 39050

(c) Students receiving services in the district pursuant 39051
to a compact, cooperative education agreement, or a contract, 39052
but who are entitled to attend school in a city, local, or 39053
exempted village school district whose territory is not part of 39054
the territory of the joint vocational district; 39055

(d) Students for whom tuition is payable pursuant to 39056
sections 3317.081 and 3323.141 of the Revised Code. 39057

(2) To enable the department ~~of education~~ to obtain the 39058
data needed to complete the calculation of payments pursuant to 39059
this chapter, each superintendent shall certify from the report 39060
provided under division (D)(1) of this section the enrollment 39061
for each of the following categories of students: 39062

(a) Students enrolled in each individual grade included in 39063
the joint vocational district schools, including any student 39064
described in division (D)(1)(b) of this section; 39065

(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, including any student described in division (D) (1) (b) of this section;	39066 39067 39068 39069
(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, including any student described in division (D) (1) (b) of this section;	39070 39071 39072 39073
(d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39074 39075 39076 39077
(e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39078 39079 39080 39081
(f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39082 39083 39084 39085
(g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39086 39087 39088 39089
(h) Students receiving category one career-technical education services, described in division (A) (1) of section 3317.014 of the Revised Code, including any student described in division (D) (1) (b) of this section;	39090 39091 39092 39093
(i) Students receiving category two career-technical	39094

education services, described in division (A) (2) of section	39095
3317.014 of the Revised Code, including any student described in	39096
division (D) (1) (b) of this section;	39097
(j) Students receiving category three career-technical	39098
education services, described in division (A) (3) of section	39099
3317.014 of the Revised Code, including any student described in	39100
division (D) (1) (b) of this section;	39101
(k) Students receiving category four career-technical	39102
education services, described in division (A) (4) of section	39103
3317.014 of the Revised Code, including any student described in	39104
division (D) (1) (b) of this section;	39105
(l) Students receiving category five career-technical	39106
education services, described in division (A) (5) of section	39107
3317.014 of the Revised Code, including any student described in	39108
division (D) (1) (b) of this section;	39109
(m) English learners described in division (A) of section	39110
3317.016 of the Revised Code, including any student described in	39111
division (D) (1) (b) of this section;	39112
(n) English learners described in division (B) of section	39113
3317.016 of the Revised Code, including any student described in	39114
division (D) (1) (b) of this section;	39115
(o) English learners described in division (C) of section	39116
3317.016 of the Revised Code, including any student described in	39117
division (D) (1) (b) of this section;	39118
(p) Students who are economically disadvantaged, as	39119
defined by the department, including any student described in	39120
division (D) (1) (b) of this section. A student shall not be	39121
categorically excluded from the number reported under division	39122
(D) (2) (p) of this section based on anything other than family	39123

income. 39124

The superintendent of each joint vocational school 39125
district shall also indicate the city, local, or exempted 39126
village school district in which each joint vocational district 39127
pupil is entitled to attend school pursuant to section 3313.64 39128
or 3313.65 of the Revised Code. 39129

(E) In each school of each city, local, exempted village, 39130
joint vocational, and cooperative education school district 39131
there shall be maintained a record of school enrollment, which 39132
record shall accurately show, for each day the school is in 39133
session, the actual enrollment in regular day classes. For the 39134
purpose of determining the enrollment of students, the 39135
enrollment figure of any school shall not include any pupils 39136
except those pupils described by division (A) or (D) of this 39137
section. The record of enrollment for each school shall be 39138
maintained in such manner that no pupil shall be counted as 39139
enrolled prior to the actual date of entry in the school and 39140
also in such manner that where for any cause a pupil permanently 39141
withdraws from the school that pupil shall not be counted as 39142
enrolled from and after the date of such withdrawal. There shall 39143
not be included in the enrollment of any school any of the 39144
following: 39145

(1) Any pupil who has graduated from the twelfth grade of 39146
a public or nonpublic high school; 39147

(2) Any pupil who is not a resident of the state; 39148

(3) Any pupil who was enrolled in the schools of the 39149
district during the previous school year when assessments were 39150
administered under section 3301.0711 of the Revised Code but did 39151
not take one or more of the assessments required by that section 39152

and was not excused pursuant to division (C) (1) or (3) of that section; 39153
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(4) Any pupil who has attained the age of twenty-two years, except for veterans of the armed services whose attendance was interrupted before completing the recognized twelve-year course of the public schools by reason of induction or enlistment in the armed forces and who apply for reenrollment in the public school system of their residence not later than four years after termination of war or their honorable discharge; 39155
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(5) Any pupil who has a certificate of high school equivalence as defined in section 5107.40 of the Revised Code. 39163
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If, however, any veteran described by division (E) (4) of this section elects to enroll in special courses organized for veterans for whom tuition is paid under the provisions of federal laws, or otherwise, that veteran shall not be included in the enrollment of students determined under this section. 39165
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Notwithstanding division (E) (3) of this section, the enrollment of any school may include a pupil who did not take an assessment required by section 3301.0711 of the Revised Code if the ~~superintendent of public instruction~~ department of education and workforce grants a waiver from the requirement to take the assessment to the specific pupil and a parent is not paying tuition for the pupil pursuant to section 3313.6410 of the Revised Code. The ~~superintendent~~ department may grant such a waiver only for good cause in accordance with rules adopted by the ~~state board of education~~ department. 39170
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The enrolled ADM, formula ADM, total ADM, category one through five career-technical education ADM, category one 39180
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through three English learner ADM, category one through six 39182
special education ADM, transportation ADM, and, for purposes of 39183
provisions of law outside of Chapter 3317. of the Revised Code, 39184
average daily membership of any school district shall be 39185
determined in accordance with rules adopted by the ~~state board~~ 39186
~~of education~~ department. 39187

(F) (1) If a student attending a community school under 39188
Chapter 3314., a science, technology, engineering, and 39189
mathematics school established under Chapter 3326., or a 39190
college-preparatory boarding school established under Chapter 39191
3328. of the Revised Code is not included in the formula ADM 39192
calculated for the school district in which the student is 39193
entitled to attend school under section 3313.64 or 3313.65 of 39194
the Revised Code, the ~~department of education~~ shall adjust the 39195
formula ADM of that school district to include the student in 39196
accordance with division (C) (2) of this section. 39197

(2) If a student awarded an educational choice scholarship 39198
is not included in the formula ADM of the school district in 39199
which the student resides, the department shall adjust the 39200
formula ADM of that school district to include the student. 39201

(3) If a student awarded a scholarship under the Jon 39202
Peterson special needs scholarship program is not included in 39203
the formula ADM of the school district in which the student 39204
resides, the department shall adjust the formula ADM of that 39205
school district to include the student. 39206

(G) (1) (a) The superintendent of an institution operating a 39207
special education program pursuant to section 3323.091 of the 39208
Revised Code shall, for the programs under such superintendent's 39209
supervision, certify to the ~~state board of education~~ department, 39210
in the manner prescribed by the ~~superintendent of public~~ 39211

~~instruction~~director of education and workforce, both of the 39212
following: 39213

(i) The unduplicated count of the number of all children 39214
with disabilities other than preschool children with 39215
disabilities receiving services at the institution for each 39216
category of disability described in divisions (A) to (F) of 39217
section 3317.013 of the Revised Code adjusted for the portion of 39218
the year each child is so enrolled; 39219

(ii) The unduplicated count of the number of all preschool 39220
children with disabilities in classes or programs for whom the 39221
district is eligible to receive funding under section 3317.0213 39222
of the Revised Code adjusted for the portion of the year each 39223
child is so enrolled, reported according to the categories 39224
prescribed in section 3317.013 of the Revised Code. 39225

(b) The superintendent of an institution with career- 39226
technical education units approved under section 3317.05 of the 39227
Revised Code shall, for the units under the superintendent's 39228
supervision, certify to the ~~state board of education~~ department 39229
the enrollment in those units, in the manner prescribed by the 39230
~~superintendent of public instruction~~ director of education and 39231
workforce. 39232

(2) The superintendent of each county board of 39233
developmental disabilities that maintains special education 39234
classes under section 3317.20 of the Revised Code or provides 39235
services to preschool children with disabilities pursuant to an 39236
agreement between the county board and the appropriate school 39237
district shall do both of the following: 39238

(a) Certify to the ~~state board~~ department, in the manner 39239
prescribed by the ~~board~~ department, the enrollment in classes 39240

under section 3317.20 of the Revised Code for each school 39241
district that has placed children in the classes; 39242

(b) Certify to the ~~state board~~ department, in the manner 39243
prescribed by the ~~board~~ department, the unduplicated count of 39244
the number of all preschool children with disabilities enrolled 39245
in classes for which the board is eligible to receive funding 39246
under section 3317.0213 of the Revised Code adjusted for the 39247
portion of the year each child is so enrolled, reported 39248
according to the categories prescribed in section 3317.013 of 39249
the Revised Code, and the number of those classes. 39250

(H) Except as provided in division (I) of this section, 39251
when any city, local, or exempted village school district 39252
provides instruction for a nonresident pupil whose attendance is 39253
unauthorized attendance as defined in section 3327.06 of the 39254
Revised Code, that pupil's enrollment shall not be included in 39255
that district's enrollment figure used in calculating the 39256
district's payments under this chapter. The reporting official 39257
shall report separately the enrollment of all pupils whose 39258
attendance in the district is unauthorized attendance, and the 39259
enrollment of each such pupil shall be credited to the school 39260
district in which the pupil is entitled to attend school under 39261
division (B) of section 3313.64 or section 3313.65 of the 39262
Revised Code as determined by the department ~~of education~~. 39263

(I) This division shall not apply on or after ~~the~~ 39264
~~effective date of this amendment~~ September 30, 2021. 39265

(1) A city, local, exempted village, or joint vocational 39266
school district admitting a scholarship student of a pilot 39267
project district pursuant to division (C) of section 3313.976 of 39268
the Revised Code may count such student in its enrollment. 39269

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

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

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

(J) The superintendent of each cooperative education school district shall certify to the ~~superintendent of public instruction~~director of education and workforce, in a manner prescribed by the ~~state board of education department~~, the applicable enrollments for all students in the cooperative education district, also indicating the city, local, or exempted village district where each pupil is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(K) If the ~~superintendent of public instruction~~director of education and workforce determines that a component of the enrollment certified or reported by a district superintendent, or other reporting entity, is not correct, the ~~superintendent of public instruction~~director of education and workforce may order that the district's enrolled ADM, formula ADM, or both be adjusted in the amount of the error.

Sec. 3317.031. A membership record shall be kept by grade level in each city, local, exempted village, joint vocational, and cooperative education school district and such a record

shall be kept by grade level in each educational service center 39299
that provides academic instruction to pupils, classes for pupils 39300
with disabilities, or any other direct instructional services to 39301
pupils. Such membership record shall show the following 39302
information for each pupil enrolled: Name, date of birth, name 39303
of parent, date entered school, date withdrawn from school, days 39304
present, days absent, and the number of days school was open for 39305
instruction while the pupil was enrolled. At the end of the 39306
school year this membership record shall show the total days 39307
present, the total days absent, and the total days due for all 39308
pupils in each grade. Such membership record shall show the 39309
pupils that are transported to and from school and it shall also 39310
show the pupils that are transported living within one mile of 39311
the school attended. This membership record shall also show any 39312
other information prescribed by the ~~state board~~ department of 39313
education and workforce. 39314

This membership record shall be kept intact for at least 39315
five years and shall be made available to the ~~state board of~~ 39316
~~education or its representative~~ department in making an audit of 39317
the average daily membership or the transportation of the 39318
district or educational service center. 39319

The ~~state board of education~~ department may withhold any 39320
money due any school district or educational service center 39321
under this chapter until it has satisfactory evidence that the 39322
board of education or educational service center governing board 39323
has fully complied with all of the provisions of this section. 39324

Nothing in this section shall require any person to 39325
release, or to permit access to, public school records in 39326
violation of section 3319.321 of the Revised Code. 39327

Sec. 3317.032. Each city, local, exempted village, and 39328

cooperative education school district, each educational service 39329
center, each county board of developmental disabilities, and 39330
each institution operating a special education program pursuant 39331
to section 3323.091 of the Revised Code shall, in accordance 39332
with procedures adopted by the ~~state board~~ department of 39333
education and workforce, maintain a record of district 39334
membership of all preschool children with disabilities who are 39335
served by a special education program. 39336

Sec. 3317.033. In accordance with rules which the ~~state~~ 39337
~~board~~ department of education and workforce shall adopt, each 39338
joint vocational school district shall do both of the following: 39339

(A) Maintain a record of district enrollment of any 39340
persons who are not eligible to be included in the district's 39341
formula ADM as that term is defined in section 3317.02 of the 39342
Revised Code; 39343

(B) Annually certify to the ~~state board of education~~ 39344
department the number of persons for whom a record is maintained 39345
under division (A) of this section. These numbers shall be 39346
reported on a full-time equivalent basis. 39347

Sec. 3317.036. (A) The superintendent of each city, local, 39348
and exempted village school district shall report to the ~~state~~ 39349
~~board~~ department of education and workforce as of the last day 39350
of October, March, and June of each year the enrollment under 39351
section 3317.23 of the Revised Code, on a full-time equivalency 39352
basis, of individuals who are at least twenty-two years of age. 39353
This report shall be in addition to the district's report of the 39354
enrollment of students entitled to attend school in the district 39355
under section 3313.64 or 3313.65 of the Revised Code that is 39356
required under section 3317.03 of the Revised Code. 39357

(B) The superintendent of each joint vocational school district shall report and certify to the ~~superintendent of public instruction department~~ as of the last day of October, March, and June of each year the enrollment of individuals receiving services from the district on a full-time equivalency basis under section 3317.24 of the Revised Code. This report shall be in addition to the district's report of the enrollment of students that is required under section 3317.03 of the Revised Code.

Sec. 3317.037. (A) As used in this section:

(1) "Contracting district" means a school district that has entered into a contract to provide career-technical education services that meet standards set by the ~~state board department of education and workforce~~ to one or more other school districts.

(2) "Career-technical planning district" has the same meaning as in section 3317.023 of the Revised Code.

(3) "Home district" means any city, local, or exempted village school district that is also not a lead district or a contracting district.

(4) "Lead district" means a lead district, as defined in section 3317.023 of the Revised Code, which is designated by the department ~~of education~~ to provide primary career-technical education leadership within a career-technical planning district.

(B) For the purposes of maintaining student enrollment records under section 3317.03 of the Revised Code, the superintendent of each home district shall provide to the lead district or contracting district the attendance records for each

student who receives career-technical education services 39387
provided by the lead district or contracting district in 39388
facilities operated by the student's home district. 39389

(C) Any lead district of a career-technical planning 39390
district may enter into an agreement with another school 39391
district within that career-technical planning district under 39392
which the lead district and the other school district may 39393
establish a method to determine the full-time equivalency for 39394
each student attending school in both districts for the purposes 39395
of calculating each district's enrollment under section 3317.03 39396
of the Revised Code. 39397

Sec. 3317.05. (A) The department of education and 39398
workforce shall determine for each institution, by the last day 39399
of January of each year and based on information certified under 39400
section 3317.03 of the Revised Code, the number of career- 39401
technical education units or fractions of units approved by the 39402
department on the basis of standards and rules adopted by the- 39403
~~state board of education~~ department. As used in this section, 39404
"institution" means an institution operated by a department 39405
specified in section 3323.091 of the Revised Code and that 39406
provides career-technical education programs under the 39407
supervision of the division of career-technical education of the 39408
department that meet the standards and rules for these programs, 39409
including licensure of professional staff involved in the 39410
programs, as established by the ~~state board~~ department. 39411

(B) All of the arithmetical calculations made under this 39412
section shall be carried to the second decimal place. The total 39413
number of units for institutions approved annually under this 39414
section shall not exceed the number of units included in the 39415
estimate of cost for these units and appropriations made for 39416

them by the general assembly. 39417

(C) The department shall pay each institution approved for 39418
career-technical education units under division (A) of this 39419
section an amount for the total of all the units approved under 39420
that division. The amount for each unit shall be the sum of the 39421
minimum salary for the teacher of the unit, calculated on the 39422
basis of the teacher's training level and years of experience 39423
pursuant to the salary schedule prescribed in the version of 39424
section 3317.13 of the Revised Code in effect prior to July 1, 39425
2001, plus fifteen per cent of that minimum salary amount, and 39426
nine thousand five hundred ten dollars. Each institution that 39427
receives unit funds under this division annually shall report to 39428
the department on the delivery of services and the performance 39429
of students and any other information required by the department 39430
to evaluate the institution's career-technical education 39431
program. 39432

(D) For each unit allocated to an institution pursuant to 39433
division (A) of this section, the department, in addition to the 39434
amount specified in division (B) of this section, shall pay a 39435
supplemental unit allowance of \$7,227. 39436

Sec. 3317.051. (A) The department of education and 39437
workforce shall compute and pay to a school district funds based 39438
on units for services to students identified as gifted under 39439
Chapter 3324. of the Revised Code as prescribed by this section. 39440

(B) The department shall allocate gifted units for a 39441
school district as follows: 39442

(1) For fiscal years 2022 and 2023: 39443

(a) One gifted coordinator unit shall be allocated for 39444
every 3,300 students in a district's enrolled ADM, with a 39445

minimum of 0.5 units and a maximum of 8 units allocated for the 39446
district. 39447

(b) One kindergarten through eighth grade gifted 39448
intervention specialist unit shall be allocated for every 140 39449
gifted students enrolled in grades kindergarten through eight in 39450
the district, as certified under division (B) (22) of section 39451
3317.03 of the Revised Code, with a minimum of 0.3 units 39452
allocated for the district. 39453

(c) One ninth through twelfth grade gifted intervention 39454
specialist unit shall be allocated for every 140 gifted students 39455
enrolled in grades nine through twelve in the district, as 39456
certified under division (B) (22) of section 3317.03 of the 39457
Revised Code, with a minimum of 0.3 units allocated for the 39458
district. 39459

(2) For fiscal year 2024 and each fiscal year thereafter, 39460
in the manner prescribed by the general assembly. 39461

(C) The department shall pay an amount to a school 39462
district for gifted units as follows: 39463

(1) For fiscal years 2022 and 2023, an amount equal to the 39464
following sum: 39465

(\$85,776 X the number of units allocated to a school district 39466
under division (B) (1) (a) of this section X the district's state 39467
share percentage) + (\$89,378 X the number of units allocated to 39468
a school district under division (B) (1) (b) of this section X the 39469
district's state share percentage) + (\$80,974 X the number of 39470
units allocated to a school district under division (B) (1) (c) of 39471
this section X the district's state share percentage) 39472

(2) For fiscal year 2024 and each fiscal year thereafter, 39473
an amount calculated in a manner determined by the general 39474

assembly. 39475

(D) A school district may assign gifted unit funding that 39476
it receives under division (C) of this section to another school 39477
district, an educational service center, a community school, or 39478
a STEM school as part of an arrangement to provide services to 39479
the district. 39480

Sec. 3317.06. Moneys paid to school districts under 39481
division (E) (1) of section 3317.024 of the Revised Code shall be 39482
used for the following independent and fully severable purposes: 39483

(A) To purchase such secular textbooks or digital texts as 39484
have been approved by the ~~superintendent of public instruction~~ 39485
department of education and workforce for use in public schools 39486
in the state and to loan such textbooks or digital texts to 39487
pupils attending nonpublic schools within the district described 39488
in division (E) (1) of section 3317.024 of the Revised Code or to 39489
their parents and to hire clerical personnel to administer such 39490
lending program. Such loans shall be based upon individual 39491
requests submitted by such nonpublic school pupils or parents. 39492
Such requests shall be submitted to the school district in which 39493
the nonpublic school is located. Such individual requests for 39494
the loan of textbooks or digital texts shall, for administrative 39495
convenience, be submitted by the nonpublic school pupil or the 39496
pupil's parent to the nonpublic school, which shall prepare and 39497
submit collective summaries of the individual requests to the 39498
school district. As used in this section: 39499

(1) "Textbook" means any book or book substitute that a 39500
pupil uses as a consumable or nonconsumable text, text 39501
substitute, or text supplement in a particular class or program 39502
in the school the pupil regularly attends. 39503

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

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

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

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

(E) To provide therapeutic psychological and speech and hearing services to pupils attending nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code. Such services shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If such services are provided in the public school or in public centers, transportation to and from such facilities shall be provided by the school district in which the nonpublic school is located.

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

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

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

(I) To provide programs for children who attend nonpublic schools within the district described in division (E) (1) of section 3317.024 of the Revised Code and are children with disabilities as defined in section 3323.01 of the Revised Code or gifted children. Such programs shall be provided in the public school, in nonpublic schools, in public centers, or in mobile units located on or off of the nonpublic premises. If

such programs are provided in the public school or in public 39564
centers, transportation to and from such facilities shall be 39565
provided by the school district in which the nonpublic school is 39566
located. 39567

(J) To hire clerical personnel to assist in the 39568
administration of programs pursuant to divisions (B), (C), (D), 39569
(E), (F), (G), and (I) of this section and to hire supervisory 39570
personnel to supervise the providing of services and textbooks 39571
pursuant to this section. 39572

(K) To purchase or lease any secular, neutral, and 39573
nonideological computer application software designed to assist 39574
students in performing a single task or multiple related tasks, 39575
device management software, learning management software, site- 39576
licensing, digital video on demand (DVD), wide area connectivity 39577
and related technology as it relates to internet access, 39578
mathematics or science equipment and materials, instructional 39579
materials, and school library materials that are in general use 39580
in the public schools of the state and loan such items to pupils 39581
attending nonpublic schools within the district described in 39582
division (E)(1) of section 3317.024 of the Revised Code or to 39583
their parents, and to hire clerical personnel to administer the 39584
lending program. Only such items that are incapable of diversion 39585
to religious use and that are susceptible of loan to individual 39586
pupils and are furnished for the use of individual pupils shall 39587
be purchased and loaned under this division. As used in this 39588
section, "instructional materials" means prepared learning 39589
materials that are secular, neutral, and nonideological in 39590
character and are of benefit to the instruction of school 39591
children. "Instructional materials" includes media content that 39592
a student may access through the use of a computer or electronic 39593
device. 39594

Mobile applications that are secular, neutral, and 39595
nonideological in character and that are purchased for less than 39596
twenty dollars for instructional use shall be considered to be 39597
consumable and shall be distributed to students without the 39598
expectation that the applications must be returned. 39599

(L) To purchase or lease instructional equipment, 39600
including computer hardware and related equipment in general use 39601
in the public schools of the state, for use by pupils attending 39602
nonpublic schools within the district described in division (E) 39603
(1) of section 3317.024 of the Revised Code and to loan such 39604
items to pupils attending such nonpublic schools within the 39605
district or to their parents, and to hire clerical personnel to 39606
administer the lending program. "Computer hardware and related 39607
equipment" includes desktop computers and workstations; laptop 39608
computers, computer tablets, and other mobile handheld devices; 39609
their operating systems and accessories; and any equipment 39610
designed to make accessible the environment of a classroom to a 39611
student, who is physically unable to attend classroom activities 39612
due to hospitalization or other circumstances, by allowing real- 39613
time interaction with other students both one-on-one and in 39614
group discussion. 39615

(M) To purchase mobile units to be used for the provision 39616
of services pursuant to divisions (E), (F), (G), and (I) of this 39617
section and to pay for necessary repairs and operating costs 39618
associated with these units. 39619

(N) To reimburse costs the district incurred to store the 39620
records of a chartered nonpublic school that closes. 39621
Reimbursements under this division shall be made one time only 39622
for each chartered nonpublic school described in division (E) (1) 39623
of section 3317.024 of the Revised Code that closes. 39624

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

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

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

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

All services provided pursuant to this section may be provided under contract with educational service centers, the department of health, city or general health districts, or private agencies whose personnel are properly licensed by an appropriate state board or agency.

Transportation of pupils provided pursuant to divisions

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

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

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

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

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

Notwithstanding section 3317.01 of the Revised Code, payments shall be made under this section to any city, local, or exempted village school district within which is located one or more nonpublic elementary or high schools described in division

(E) (1) of section 3317.024 of the Revised Code and any payments 39683
made to school districts under division (E) (1) of section 39684
3317.024 of the Revised Code for purposes of this section may be 39685
disbursed without submission to and approval of the controlling 39686
board. 39687

The allocation of payments for materials, equipment, 39688
textbooks, digital texts, health services, and remedial services 39689
to city, local, and exempted village school districts shall be 39690
on the basis of the ~~state board of education's~~ department's 39691
estimated annual average daily membership in nonpublic 39692
elementary and high schools located in the district described in 39693
division (E) (1) of section 3317.024 of the Revised Code. 39694

Payments made to city, local, and exempted village school 39695
districts under this section shall be equal to specific 39696
appropriations made for the purpose. All interest earned by a 39697
school district on such payments shall be used by the district 39698
for the same purposes and in the same manner as the payments may 39699
be used. 39700

The ~~department of education~~ shall adopt guidelines and 39701
procedures under which such programs and services shall be 39702
provided, under which districts shall be reimbursed for 39703
administrative costs incurred in providing such programs and 39704
services, and under which any unexpended balance of the amounts 39705
appropriated by the general assembly to implement this section 39706
may be transferred to the auxiliary services personnel 39707
unemployment compensation fund established pursuant to section 39708
4141.47 of the Revised Code. The department shall also adopt 39709
guidelines and procedures limiting the purchase and loan of the 39710
items described in division (K) of this section to items that 39711
are in general use in the public schools of the state, that are 39712

incapable of diversion to religious use, and that are 39713
susceptible to individual use rather than classroom use. Within 39714
thirty days after the end of each biennium, each board of 39715
education shall remit to the department all moneys paid to it 39716
under division (E) (1) of section 3317.024 of the Revised Code 39717
and any interest earned on those moneys that are not required to 39718
pay expenses incurred under this section during the biennium for 39719
which the money was appropriated and during which the interest 39720
was earned. If a board of education subsequently determines that 39721
the remittal of moneys leaves the board with insufficient money 39722
to pay all valid expenses incurred under this section during the 39723
biennium for which the remitted money was appropriated, the 39724
board may apply to the department ~~of education~~ for a refund of 39725
money, not to exceed the amount of the insufficiency. If the 39726
department determines the expenses were lawfully incurred and 39727
would have been lawful expenditures of the refunded money, it 39728
shall certify its determination and the amount of the refund to 39729
be made to the director of job and family services who shall 39730
make a refund as provided in section 4141.47 of the Revised 39731
Code. 39732

Each school district shall label materials, equipment, 39733
computer hardware or software, textbooks, and digital texts 39734
purchased or leased for loan to a nonpublic school under this 39735
section, acknowledging that they were purchased or leased with 39736
state funds under this section. However, a district need not 39737
label materials, equipment, computer hardware or software, 39738
textbooks, or digital texts that the district determines are 39739
consumable in nature or have a value of less than two hundred 39740
dollars. 39741

Sec. 3317.061. The superintendent of each school district, 39742
including each cooperative education and joint vocational school 39743

district and the superintendent of each educational service center, shall, on forms prescribed and furnished by the ~~state board~~ department of education and workforce, certify to the department and the state board of education, on or before the fifteenth day of October of each year, the name of each licensed employee employed, on an annual salary, in each school under such superintendent's supervision during the first full school week of said month of October, the number of years of recognized college training such licensed employee has completed, the college degrees from a recognized college earned by such licensed employee, the type of teaching license held by such licensed employee, the number of months such licensed employee is employed in the school district, the annual salary of such licensed employee, and such other information as the ~~state board of education~~ department, in consultation with the state board, may request. For the purposes of Chapter 3317. of the Revised Code, a licensed employee is any employee in a position that requires a license issued pursuant to sections 3319.22 to 3319.31 of the Revised Code.

Pursuant to standards adopted by the ~~state board of education~~ department, experience of vocational teachers in trade and industry shall be recognized by ~~such board~~ the department for the purpose of complying with the requirements of recognized college training provided by Chapter 3317. of the Revised Code.

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

(1) To purchase secular textbooks or digital texts, as defined in divisions (A) (1) and (2) of section 3317.06 of the Revised Code, as have been approved by the ~~superintendent of~~

~~public instruction department of education and workforce~~ for use 39774
in public schools in the state. Textbooks purchased in 39775
accordance with this division may be disposed of four years 39776
after the date of purchase; 39777

(2) To provide the services described in divisions (B), 39778
(C), (D), and (Q) of section 3317.06 of the Revised Code; 39779

(3) To provide the services described in divisions (E), 39780
(F), (G), and (I) of section 3317.06 of the Revised Code. If 39781
such services are provided in public schools or in public 39782
centers, transportation to and from such facilities shall be 39783
provided by the nonpublic school. 39784

(4) To supply for use by pupils attending the school such 39785
standardized tests and scoring services as are in use in the 39786
public schools of the state; 39787

(5) To hire clerical personnel to assist in the 39788
administration of divisions (A) (2), (3), and (4) of this section 39789
and to hire supervisory personnel to supervise the providing of 39790
services and textbooks pursuant to this section. These personnel 39791
shall perform their services in the public schools, in nonpublic 39792
schools, public centers, or mobile units where the services are 39793
provided to the nonpublic school pupil, except that such 39794
personnel may accompany pupils to and from the service sites 39795
when necessary to ensure the safety of the children receiving 39796
the services. All services provided pursuant to this section may 39797
be provided under contract with school districts, educational 39798
service centers, the department of health, city or general 39799
health districts, or private agencies whose personnel are 39800
properly licensed by an appropriate state board or agency. 39801

(6) To purchase any of the materials described in division 39802

(K) of section 3317.06 of the Revised Code;	39803
(7) To purchase any of the equipment described in division	39804
(L) of section 3317.06 of the Revised Code;	39805
(8) To purchase mobile units to be used for the provision	39806
of services pursuant to division (A) (3) of this section and to	39807
pay for necessary repairs and operating costs associated with	39808
these units;	39809
(9) To purchase the equipment described in division (O) of	39810
section 3317.06 of the Revised Code;	39811
(10) To procure and pay for security services described in	39812
division (P) of section 3317.06 of the Revised Code.	39813
(B) Materials, equipment, computer hardware and software,	39814
textbooks, digital texts, and health and remedial services	39815
provided pursuant to this section and the admission of pupils to	39816
nonpublic schools shall be provided without distinction as to	39817
race, creed, color, or national origin of such pupils or of	39818
their teachers.	39819
(C) Any interest earned by a chartered nonpublic school on	39820
moneys paid to it under division (E) (2) of section 3317.024 of	39821
the Revised Code shall be used by the school for the same	39822
purposes and in the same manner as the payments may be used	39823
under this section.	39824
(D) The department of education shall adopt guidelines and	39825
procedures regarding both of the following:	39826
(1) The expenditure of moneys under this section;	39827
(2) The audit of nonpublic schools receiving funds under	39828
this section to ensure the appropriate use of funds.	39829

(E) The department shall adopt a rule specifying the party 39830
that owns any property purchased by a chartered nonpublic school 39831
with moneys paid under division (E) (2) of section 3317.024 of 39832
the Revised Code. The rule shall include procedures for disposal 39833
of the property by the designated owner when appropriate. 39834

(F) Within thirty days after the end of each biennium, 39835
each chartered nonpublic school shall remit to the department 39836
all moneys paid to it under division (E) (2) of section 3317.024 39837
of the Revised Code and any interest earned on those moneys that 39838
are not required to pay expenses incurred under this section 39839
during the biennium for which the moneys were appropriated and 39840
during which the interest was earned. If a school subsequently 39841
determines that the remittal of moneys leaves the school with 39842
insufficient money to pay all valid expenses incurred under this 39843
section during the biennium for which the remitted moneys were 39844
appropriated, the school may apply to the department for a 39845
refund of money, not to exceed the amount of the insufficiency. 39846
If the department determines the expenses were lawfully incurred 39847
and would have been lawful expenditures of the refunded money, 39848
the department shall make a refund in the necessary amount. 39849

(G) All services provided and purchases made pursuant to 39850
this section may be acquired under contract with school 39851
districts, educational service centers, the department of 39852
health, city or general health districts, or private entities. 39853

(H) When a chartered nonpublic school has materials or 39854
equipment purchased in accordance with division (A) (6) or (7) of 39855
this section that are no longer needed for school use, are 39856
obsolete, are unfit for the use for which they were acquired, or 39857
have been in the school's possession for at least four years, 39858
the school may dispose of that property in accordance with the 39859

school's disposal procedures, which may include donation, sale, 39860
trade, or permanent disposal. The school shall remit to the 39861
state treasury the proceeds from any sale made in accordance 39862
with this division. 39863

Sec. 3317.063. The ~~superintendent of public instruction,~~ 39864
~~in accordance with rules adopted by the~~ department of education,~~—~~ 39865
and workforce shall annually reimburse each chartered nonpublic 39866
school for the actual mandated service administrative and 39867
clerical costs incurred by such school during the preceding 39868
school year in preparing, maintaining, and filing reports, 39869
forms, and records, and in providing such other administrative 39870
and clerical services that are not an integral part of the 39871
teaching process as may be required by state law or rule or by 39872
requirements duly promulgated by city, exempted village, or 39873
local school districts. The mandated service costs reimbursed 39874
pursuant to this section shall include, but are not limited to, 39875
the preparation, filing and maintenance of forms, reports, or 39876
records and other clerical and administrative services relating 39877
to state chartering or approval of the nonpublic school, pupil 39878
attendance, pupil health and health testing, transportation of 39879
pupils, federally funded education programs, pupil appraisal, 39880
pupil progress, educator licensure, unemployment and workers' 39881
compensation, transfer of pupils, and such other education 39882
related data which are now or hereafter shall be required of 39883
such nonpublic school by state law or rule, or by requirements 39884
of the ~~state department of education,~~ other state agencies, or 39885
city, exempted village, or local school districts. 39886

The reimbursement required by this section shall be for 39887
school years beginning on or after July 1, 1981. 39888

Each nonpublic school which seeks reimbursement pursuant 39889

to this section shall submit to the ~~superintendent of public~~ 39890
~~instruction department~~ an application together with such 39891
additional reports and documents as the ~~department of education~~ 39892
may require. Such application, reports, and documents shall 39893
contain such information as the ~~department of education~~ may 39894
prescribe in order to carry out the purposes of this section. No 39895
payment shall be made until the ~~superintendent of public~~ 39896
~~instruction department~~ has approved such application. 39897

Each nonpublic school which applies for reimbursement 39898
pursuant to this section shall maintain a separate account or 39899
system of accounts for the expenses incurred in rendering the 39900
required services for which reimbursement is sought. Such 39901
accounts shall contain such information as is required by the 39902
~~department of education~~ and shall be maintained in accordance 39903
with rules adopted by the ~~department of education~~. 39904

Reimbursement payments to a nonpublic school for a school 39905
year pursuant to this section shall not exceed the per-pupil 39906
amount specified by the general assembly for that school year. 39907

The ~~superintendent of public instruction department~~ may, 39908
from time to time, examine any and all accounts and records of a 39909
nonpublic school which have been maintained pursuant to this 39910
section in support of an application for reimbursement, for the 39911
purpose of determining the costs to such school of rendering the 39912
services for which reimbursement is sought. If after such audit 39913
it is determined that any school has received funds in excess of 39914
the actual cost of providing such services, said school shall 39915
immediately reimburse the state in such excess amount. 39916

Any payments made to chartered nonpublic schools under 39917
this section may be disbursed without submission to and approval 39918
of the controlling board. 39919

Sec. 3317.064. (A) There is hereby established in the 39920
state treasury the auxiliary services reimbursement fund. By the 39921
thirtieth day of January of each odd-numbered year, the director 39922
of job and family services and the ~~superintendent of public-~~ 39923
~~instruction~~ department of education and workforce shall 39924
determine the amount of any excess moneys in the auxiliary 39925
services personnel unemployment compensation fund not reasonably 39926
necessary for the purposes of section 4141.47 of the Revised 39927
Code, and shall certify such amount to the director of budget 39928
and management for transfer to the auxiliary services 39929
reimbursement fund. If the director of job and family services 39930
and the ~~superintendent~~ department disagree on such amount, the 39931
director of budget and management shall determine the amount to 39932
be transferred. 39933

(B) Except as provided in divisions (C) and (D) of this 39934
section, moneys in the auxiliary services reimbursement fund 39935
shall be used for the relocation or for the replacement and 39936
repair of mobile units used to provide the services specified in 39937
division (E), (F), (G), or (I) of section 3317.06 and in 39938
division (A) (3) of section 3317.062 of the Revised Code. The 39939
~~state board of education~~ department shall adopt guidelines and 39940
procedures for replacement, repair, and relocation of mobile 39941
units and the procedures under which a school district or 39942
chartered nonpublic school may apply to receive moneys with 39943
which to repair or replace or relocate such units. 39944

(C) School districts and educational service centers may 39945
apply to the department for moneys from the auxiliary services 39946
reimbursement fund for payment of incentives for early 39947
retirement and severance for school district personnel assigned 39948
to provide services authorized by section 3317.06 or 3317.062 of 39949
the Revised Code at chartered nonpublic schools. The portion of 39950

the cost of any early retirement or severance incentive for any 39951
employee that is paid using money from the auxiliary services 39952
reimbursement fund shall not exceed the percentage of such 39953
employee's total service credit that the employee spent 39954
providing services to chartered nonpublic school students under 39955
section 3317.06 of the Revised Code. 39956

(D) The department ~~of education~~ may use a portion of the 39957
moneys in the auxiliary services reimbursement fund to make 39958
payments for chartered nonpublic school students under section 39959
3365.07 of the Revised Code, in accordance with rules adopted 39960
pursuant to section 3365.071 of the Revised Code. 39961

Sec. 3317.07. If the department of education and workforce 39962
determines that a county board of developmental disabilities no 39963
longer needs a school bus because the board no longer transports 39964
children to a special education program operated by the board, 39965
or if the department determines that a school district no longer 39966
needs a school bus to transport pupils to a nonpublic school or 39967
special education program, the department may reassign a bus 39968
that was funded with payments provided pursuant to the version 39969
of this section in effect prior to the effective date of this 39970
amendment for the purpose of transporting such pupils. The 39971
department may reassign a bus to a county board of developmental 39972
disabilities or school district that transports children to a 39973
special education program designated in the children's 39974
individualized education programs, or to a school district that 39975
transports pupils to a nonpublic school, and needs an additional 39976
school bus. 39977

Sec. 3317.071. For fiscal years 2022 and 2023, the 39978
department of education and workforce shall implement a program 39979
to distribute bus purchasing grants of not less than \$45,000 to 39980

city, local, and exempted village school districts for the 39981
purpose of replacing the oldest and highest mileage buses in the 39982
state assigned to routes. The department shall annually collect 39983
age, mileage, and vehicle condition data from districts through 39984
its transportation data collection system. 39985

Sec. 3317.072. (A) The transportation collaboration fund 39986
is hereby created in the state treasury for fiscal years 2022 39987
and 2023. The fund shall consist of money appropriated for this 39988
purpose by the general assembly. The department of education and 39989
workforce shall use money in the fund for grants awarded under 39990
this section. 39991

(B) (1) For fiscal years 2022 and 2023, the department 39992
shall award transportation collaboration grants each fiscal year 39993
to city, local, and exempted village school districts for 39994
efforts that lead to shared resource management, routing 39995
consolidation, regional collaboration, or other activities that 39996
have the potential to reduce transportation operating costs. 39997

(2) The department shall determine the amount of each 39998
grant awarded, but no grant shall exceed \$10,000 for any fiscal 39999
year. 40000

(3) The department shall adopt rules regarding all of the 40001
following: 40002

(a) The process for city, local, and exempted village 40003
school districts to submit applications for grants awarded under 40004
this section, including the deadline for those applications to 40005
be submitted; 40006

(b) The application form for grants awarded under this 40007
section; 40008

(c) The requirements and process for grant recipients to 40009

be eligible to renew their grants in future fiscal years; 40010

(d) Any other rules necessary to implement the provisions 40011
of this section. 40012

Sec. 3317.08. A board of education may admit to its 40013
schools a child it is not required by section 3313.64 or 3313.65 40014
of the Revised Code to admit, if tuition is paid for the child. 40015

Unless otherwise provided by law, tuition shall be 40016
computed in accordance with this section. A district's tuition 40017
charge for a school year shall be one of the following: 40018

(A) For any child, except a preschool child with a 40019
disability described in division (B) of this section, the 40020
quotient obtained by dividing the sum of the amounts described 40021
in divisions (A)(1) and (2) of this section by the district's 40022
formula ADM. 40023

(1) The district's total taxes charged and payable for 40024
current expenses for the tax year preceding the tax year in 40025
which the school year begins as certified under division (A)(3) 40026
of section 3317.021 of the Revised Code. 40027

(2) The district's total taxes collected for current 40028
expenses under a school district income tax adopted pursuant to 40029
section 5748.03, 5748.08, or 5748.09 of the Revised Code that 40030
are disbursed to the district during the fiscal year, excluding 40031
any income tax receipts allocated for the project cost, debt 40032
service, or maintenance set-aside associated with a state- 40033
assisted classroom facilities project as authorized by section 40034
3318.052 of the Revised Code. On or before the first day of June 40035
of each year, the tax commissioner shall certify the amount to 40036
be used in the calculation under this division for the next 40037
fiscal year to the department of education and workforce and the 40038

office of budget and management for each city, local, and 40039
exempted village school district that levies a school district 40040
income tax. 40041

(B) For any preschool child with a disability, an amount 40042
computed for the school year as follows: 40043

(1) For each type of special education service provided to 40044
the child for whom tuition is being calculated, determine the 40045
amount of the district's operating expenses in providing that 40046
type of service to all preschool children with disabilities; 40047

(2) For each type of special education service for which 40048
operating expenses are determined under division (B)(1) of this 40049
section, determine the amount of such operating expenses that 40050
was paid from any state funds received under this chapter; 40051

(3) For each type of special education service for which 40052
operating expenses are determined under division (B)(1) of this 40053
section, divide the difference between the amount determined 40054
under division (B)(1) of this section and the amount determined 40055
under division (B)(2) of this section by the total number of 40056
preschool children with disabilities who received that type of 40057
service; 40058

(4) Determine the sum of the quotients obtained under 40059
division (B)(3) of this section for all types of special 40060
education services provided to the child for whom tuition is 40061
being calculated. 40062

The ~~state board of education department~~ shall adopt rules 40063
defining the types of special education services and specifying 40064
the operating expenses to be used in the computation under this 40065
section. 40066

If any child for whom a tuition charge is computed under 40067

this section for any school year is enrolled in a district for 40068
only part of that school year, the amount of the district's 40069
tuition charge for the child for the school year shall be 40070
computed in proportion to the number of school days the child is 40071
enrolled in the district during the school year. 40072

Except as otherwise provided in division (J) of section 40073
3313.64 of the Revised Code, whenever a district admits a child 40074
to its schools for whom tuition computed in accordance with this 40075
section is an obligation of another school district, the amount 40076
of the tuition shall be certified by the treasurer of the board 40077
of education of the district of attendance, to the board of 40078
education of the district required to pay tuition for its 40079
approval and payment. If agreement as to the amount payable or 40080
the district required to pay the tuition cannot be reached, or 40081
the board of education of the district required to pay the 40082
tuition refuses to pay that amount, the board of education of 40083
the district of attendance shall notify the ~~superintendent of~~ 40084
~~public instruction department~~. The ~~superintendent department~~ 40085
shall determine the correct amount and the district required to 40086
pay the tuition and shall deduct that amount, if any, under 40087
division (D) of section 3317.023 of the Revised Code, from the 40088
district required to pay the tuition and add that amount to the 40089
amount allocated to the district attended under such division. 40090
The ~~superintendent of public instruction department~~ shall send 40091
to the district required to pay the tuition an itemized 40092
statement showing such deductions at the time of such deduction. 40093

When a political subdivision owns and operates an airport, 40094
welfare, or correctional institution or other project or 40095
facility outside its corporate limits, the territory within 40096
which the facility is located is exempt from taxation by the 40097
school district within which such territory is located, and 40098

there are school age children residing within such territory, 40099
the political subdivision owning such tax exempt territory shall 40100
pay tuition to the district in which such children attend 40101
school. The tuition for these children shall be computed as 40102
provided for in this section. 40103

Sec. 3317.081. (A) Tuition shall be computed in accordance 40104
with this section if: 40105

(1) The tuition is required by division (C) (3) (b) of 40106
section 3313.64 of the Revised Code; or 40107

(2) Neither the child nor the child's parent resides in 40108
this state and tuition is required by section 3327.06 of the 40109
Revised Code. 40110

(B) Tuition computed in accordance with this section shall 40111
equal the attendance district's tuition rate computed under 40112
section 3317.08 of the Revised Code plus the amount in state 40113
education aid, as defined in section 3317.02 of the Revised 40114
Code, that district would have received for the child during the 40115
school year had the department of education and workforce 40116
counted the child in the attendance district's formula ADM for 40117
that school year under section 3317.03 of the Revised Code. 40118

Sec. 3317.082. As used in this section, "institution" 40119
means a residential facility that receives and cares for 40120
children maintained by the department of youth services and that 40121
operates a school chartered ~~by the state board of education~~ 40122
under section 3301.16 of the Revised Code. 40123

(A) On or before the thirty-first day of each January and 40124
July, the superintendent of each institution that during the 40125
six-month period immediately preceding each January or July 40126
provided an elementary or secondary education for any child, 40127

other than a child receiving special education under section 40128
3323.091 of the Revised Code, shall prepare and submit to the 40129
department of education and workforce, a statement for each such 40130
child indicating the child's name, any school district 40131
responsible to pay tuition for the child as determined by the 40132
superintendent in accordance with division (C)(2) or (3) of 40133
section 3313.64 of the Revised Code, and the period of time 40134
during that six-month period that the child received an 40135
elementary or secondary education. If any school district is 40136
responsible to pay tuition for any such child, the department ~~of~~ 40137
~~education~~, no-not later than the immediately succeeding last day 40138
of February or August, as applicable, shall calculate the amount 40139
of the tuition of the district under section 3317.08 of the 40140
Revised Code for the period of time indicated on the statement 40141
and do one of the following: 40142

(1) If the tuition amount is equal to or less than the 40143
district's state education aid, pay to the institution 40144
submitting the statement an amount equal to the tuition amount, 40145
as provided under division (G) of section 3317.024 of the 40146
Revised Code, and deduct the tuition amount from the state basic 40147
aid funds payable to the district, as provided under division 40148
(C)(2) of section 3317.023 of the Revised Code; 40149

(2) If the tuition amount is greater than the district's 40150
state education aid, require the district to pay to the 40151
institution submitting the statement an amount equal to the 40152
tuition amount. 40153

(B) In the case of any disagreement about the school 40154
district responsible to pay tuition for a child pursuant to this 40155
section, the ~~superintendent of public instruction~~ director of 40156
education and workforce shall make the determination in any such 40157

case in accordance with division (C) (2) or (3) of section 40158
3313.64 of the Revised Code. 40159

Sec. 3317.09. All moneys distributed to a school district, 40160
including any cooperative education or joint vocational school 40161
district and all moneys distributed to any educational service 40162
center, by the state whether from a state or federal source, 40163
shall be accounted for by the division of school finance of the 40164
department of education and workforce. All moneys distributed 40165
shall be coded as to county, school district or educational 40166
service center, source, and other pertinent information, and at 40167
the end of each month, a report of such distribution shall be 40168
made by such division of school finance to each school district 40169
and educational service center. If any board of education fails 40170
to make the report required in section 3319.33 of the Revised 40171
Code, the ~~superintendent of public instruction department~~ shall 40172
be without authority to distribute funds to that school district 40173
or educational service center under this chapter until such time 40174
as the required reports are filed with all specified officers, 40175
boards, or agencies. 40176

Sec. 3317.10. (A) On or before the first day of March of 40177
each year, the department of job and family services shall 40178
certify to the ~~state board~~ department of education and workforce 40179
the unduplicated number of children ages five through seventeen 40180
residing in each school district and living in a family that, 40181
during the preceding October, participated in Ohio works first. 40182

The department of job and family services shall certify 40183
this information according to the school district of residence 40184
for each child. 40185

(B) Upon the transfer of part of the territory of one 40186
school district to the territory of one or more other school 40187

districts, the department of education and workforce may adjust 40188
the number of children certified under division (A) of this 40189
section for any district gaining or losing territory in such a 40190
transfer in order to take into account the effect of the 40191
transfer on the number of such children who reside in the 40192
district. Within sixty days of receipt of a request for 40193
information from the department of education and workforce, the 40194
department of job and family services shall provide any 40195
information the department of education and workforce determines 40196
is necessary to make such adjustments. 40197

Sec. 3317.11. (A) As used in this section: 40198

(1) For fiscal years 2022 and 2023, "base amount" is equal 40199
to \$356,250. 40200

(2) For fiscal years 2022 and 2023, "funding base" means 40201
an amount calculated by the department of education and 40202
workforce that is equal to the amount an educational service 40203
center would have received under Section 265.360 of H.B. 166 of 40204
the 133rd general assembly for fiscal year 2020 using the 40205
student counts of the school districts with which the service 40206
center has service agreements for the fiscal year for which 40207
payments under this section are being made. 40208

(3) For fiscal years 2022 and 2023, "general phase-in 40209
percentage" for an educational service center means the "general 40210
phase-in percentage" for school districts as defined in section 40211
3317.02 of the Revised Code. 40212

(4) For fiscal years 2022 and 2023, "student count" means 40213
the count calculated under division (G)(1) of section 3313.843 40214
of the Revised Code. 40215

(B)(1) For fiscal years 2022 and 2023, the department of 40216

education and workforce shall pay the governing board of each 40217
educational service center an amount equal to the following: 40218

The educational service center's funding base + [(the amount 40219
calculated for the educational service center for that fiscal 40220
year under division (C) of this section - the educational 40221
service center's funding base) X the educational service 40222
center's general phase-in percentage for that fiscal year] 40223

(2) For fiscal year 2024 and each fiscal year thereafter, 40224
the department shall pay the governing board of each educational 40225
service center an amount calculated in a manner determined by 40226
the general assembly. 40227

(C) For fiscal years 2022 and 2023, the department shall 40228
calculate an amount for each educational service center as 40229
follows: 40230

(1) If the educational service center has a student count 40231
of 5,000 students or less, the base amount. 40232

(2) If the educational service center has a student count 40233
greater than 5,000 students but less than or equal to 35,000 40234
students, the following sum: 40235

The base amount + [(the educational service center's student 40236
count - 5,000) X \$24.72] 40237

(3) If the educational service center has a student count 40238
greater than 35,000 students, the following sum: 40239

The base amount + (30,000 X \$24.72) + [(the educational service 40240
center's student count - 35,000) X \$30.90] 40241

Sec. 3317.12. Any board of education participating in 40242
funds distributed under Chapter 3317. of the Revised Code shall 40243
annually adopt a salary schedule for nonteaching school 40244

employees based upon training, experience, and qualifications 40245
with initial salaries no less than the salaries in effect on 40246
October 13, 1967. Each board of education shall prepare and may 40247
amend from time to time, specifications descriptive of duties, 40248
responsibilities, requirements, and desirable qualifications of 40249
the classifications of employees required to perform the duties 40250
specified in the salary schedule. All nonteaching school 40251
employees are to be notified of the position classification to 40252
which they are assigned and the salary for the classification. 40253
The compensation of all employees working for a particular 40254
school board shall be uniform for like positions except as 40255
compensation would be affected by salary increments based upon 40256
length of service. 40257

On the fifteenth day of October each year the salary 40258
schedule and the list of job classifications and salaries in 40259
effect on that date shall be filed by each board of education 40260
with the ~~superintendent of public instruction~~department of 40261
education and workforce. If such salary schedule and 40262
classification plan is not filed the ~~superintendent of public~~ 40263
~~instruction~~department shall order the board to file such 40264
schedules forthwith. If this condition is not corrected within 40265
ten days after receipt of the order from the ~~superintendent of~~ 40266
~~public instruction~~department, no money shall be distributed to 40267
the district under Chapter 3317. of the Revised Code until the 40268
~~superintendent~~department has satisfactory evidence of the board 40269
of education's full compliance with such order. 40270

Sec. 3317.13. (A) As used in this section and section 40271
3317.14 of the Revised Code: 40272

(1) "Years of service" includes the following: 40273

(a) All years of teaching service in the same school 40274

district or educational service center, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(b) All years of teaching service in a chartered, nonpublic school located in Ohio as a teacher licensed pursuant to section 3319.22 of the Revised Code or in another public school, regardless of training level, with each year consisting of at least one hundred twenty days under a teacher's contract;

(c) All years of teaching service in a chartered school or institution or a school or institution that subsequently became chartered or a chartered special education program or a special education program that subsequently became chartered operated by the state or by a subdivision or other local governmental unit of this state as a teacher licensed pursuant to section 3319.22 of the Revised Code, regardless of training level, with each year consisting of at least one hundred twenty days; and

(d) All years of active military service in the armed forces of the United States, as defined in section 3307.75 of the Revised Code, to a maximum of five years. For purposes of this calculation, a partial year of active military service of eight continuous months or more in the armed forces shall be counted as a full year.

(2) "Teacher" means all teachers employed by the board of education of any school district, including any cooperative education or joint vocational school district and all teachers employed by any educational service center governing board.

(B) No teacher shall be paid a salary less than that provided in the schedule set forth in division (C) of this section. In calculating the minimum salary any teacher shall be

paid pursuant to this section, years of service shall include 40304
the sum of all years of the teacher's teaching service included 40305
in divisions (A) (1) (a), (b), (c), and (d) of this section; 40306
except that any school district or educational service center 40307
employing a teacher new to the district or educational service 40308
center shall grant such teacher a total of not more than ten 40309
years of service pursuant to divisions (A) (1) (b), (c), and (d) 40310
of this section. 40311

Upon written complaint to the ~~superintendent of public~~ 40312
~~instruction~~ director of education and workforce that the board 40313
of education of a district or the governing board of an 40314
educational service center governing board has failed or refused 40315
to annually adopt a salary schedule or to pay salaries in 40316
accordance with the salary schedule set forth in division (C) of 40317
this section, the ~~superintendent of public instruction~~ director 40318
shall cause to be made an immediate investigation of such 40319
complaint. If the ~~superintendent~~ director finds that the 40320
conditions complained of exist, the ~~superintendent~~ director 40321
shall order the board to correct such conditions within ten days 40322
from the date of the finding. No moneys shall be distributed to 40323
the district or educational service center under this chapter 40324
until the ~~superintendent~~ director has satisfactory evidence of 40325
the board of education's full compliance with such order. 40326

Each teacher shall be fully credited with placement in the 40327
appropriate academic training level column in the district's or 40328
educational service center's salary schedule with years of 40329
service properly credited pursuant to this section or section 40330
3317.14 of the Revised Code. No rule shall be adopted or 40331
exercised by any board of education or educational service 40332
center governing board which restricts the placement or the 40333
crediting of annual salary increments for any teacher according 40334

to the appropriate academic training level column. 40335

(C) Minimum salaries exclusive of retirement and sick leave for teachers shall be as follows: 40336
40337

40338

	1	2	3	4	5
A	Years of Service	Teachers with Less than Bachelor's Degree	Teachers with a Bachelor's Degree	Teachers with Five Years of Training, but no Master's Degree	Teachers with a Master's Degree or Higher

40339

	1	2	3	4	5	6	7	8	9
A	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Per Cent*	Dollar Amount	Dollar Amount

40340

	1	2	3	4	5	6	7	8	9
A	0	86.5	\$25,950	100.0	\$30,000	103.8	\$31,140	109.5	\$32,850
B	1	90.0	27,000	103.8	31,140	108.1	32,430	114.3	34,290
C	2	93.5	28,050	107.6	32,280	112.4	33,720	119.1	35,730
D	3	97.0	29,100	111.4	33,420	116.7	35,010	123.9	37,170

E	4	100.5	30,150	115.2	34,560	121.0	36,300	128.7	38,610
F	5	104.0	31,200	119.0	35,700	125.3	37,590	133.5	40,050
G	6	104.0	31,200	122.8	36,840	129.6	38,880	138.3	41,490
H	7	104.0	31,200	126.6	37,980	133.9	40,170	143.1	42,930
I	8	104.0	31,200	130.4	39,120	138.2	41,460	147.9	44,370
J	9	104.0	31,200	134.2	40,260	142.5	42,750	152.7	45,810
K	10	104.0	31,200	138.0	41,400	146.8	44,040	157.5	47,250
L	11	104.0	31,200	141.8	42,540	151.1	45,330	162.3	48,690

* Percentages represent the percentage which each salary is of the base amount. 40341
40342

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 requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 40343
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As used in this division: 40352

(1) "Base amount" means thirty thousand dollars. 40353

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university. 40354
40355
40356

(D) For purposes of this section, all credited training 40357
shall be from a recognized college or university. 40358

Sec. 3317.14. Any school district board of education or 40359
educational service center governing board participating in 40360
funds distributed under Chapter 3317. of the Revised Code shall 40361
annually adopt a teachers' salary schedule with provision for 40362
increments based upon training and years of service. 40363
Notwithstanding sections 3317.13 and 3319.088 of the Revised 40364
Code, the board may establish its own service requirements and 40365
may grant service credit for such activities as teaching in 40366
public or nonpublic schools in this state or in another state, 40367
for service as an educational assistant other than as a 40368
classroom aide employed in accordance with section 5107.541 of 40369
the Revised Code, and for service in the military or in an 40370
appropriate state or federal governmental agency, provided no 40371
teacher receives less than the amount required to be paid 40372
pursuant to section 3317.13 of the Revised Code and provided 40373
full credit for a minimum of five years of actual teaching and 40374
military experience as defined in division (A) of section 40375
3317.13 of the Revised Code is given to each teacher. 40376

Each teacher who has completed training which would 40377
qualify such teacher for a higher salary bracket pursuant to 40378
this section shall file by the fifteenth day of September with 40379
the treasurer of the board of education or educational service 40380
center satisfactory evidence of the completion of such 40381
additional training. The treasurer shall then immediately place 40382
the teacher, pursuant to this section and section 3317.13 of the 40383
Revised Code, in the proper salary bracket in accordance with 40384
training and years of service before certifying such salary, 40385
training, and years of service to the ~~superintendent of public~~ 40386
~~instruction~~department of education and workforce. No teacher 40387

shall be paid less than the salary to which such teacher is 40388
entitled pursuant to section 3317.13 of the Revised Code. 40389

Sec. 3317.141. The board of education of any city, 40390
exempted village, local, or joint vocational school district 40391
that is the recipient of moneys from a grant awarded under the 40392
federal race to the top program, Division (A), Title XIV, 40393
Sections 14005 and 14006 of the "American Recovery and 40394
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 40395
shall comply with this section in accordance with the timeline 40396
contained in the board's scope of work, as approved by the 40397
~~superintendent of public instruction~~director of education and 40398
workforce, and shall not be subject to sections 3317.13 and 40399
3317.14 of the Revised Code. The board of education of any other 40400
school district, and the governing board of each educational 40401
service center, shall comply with either this section or 40402
sections 3317.13 and 3317.14 of the Revised Code. 40403

(A) The board annually shall adopt a salary schedule for 40404
teachers based upon performance as described in division (B) of 40405
this section. 40406

(B) For purposes of the schedule, a board shall measure a 40407
teacher's performance by considering all of the following: 40408

(1) The level of license issued under section 3319.22 of 40409
the Revised Code that the teacher holds; 40410

(2) Whether the teacher is a properly certified or 40411
licensed teacher, as defined in section 3319.074 of the Revised 40412
Code; 40413

(3) Ratings received by the teacher on performance 40414
evaluations conducted under section 3319.111 of the Revised 40415
Code. 40416

(C) The schedule shall provide for annual adjustments 40417
based on performance on the evaluations conducted under section 40418
3319.111 of the Revised Code. The annual performance-based 40419
adjustment for a teacher rated as accomplished shall be greater 40420
than the annual performance-based adjustment for a teacher rated 40421
as skilled. 40422

(D) The salary schedule adopted under this section may 40423
provide for additional compensation for teachers who agree to 40424
perform duties, not contracted for under a supplemental 40425
contract, that the employing board determines warrant additional 40426
compensation. Those duties may include, but are not limited to, 40427
assignment to a school building eligible for funding under Title 40428
I of the "Elementary and Secondary Education Act of 1965," 20 40429
U.S.C. 6301 et seq.; assignment to a building in "school 40430
improvement" status under the "No Child Left Behind Act of 40431
2001," as defined in section 3302.01 of the Revised Code; 40432
teaching in a grade level or subject area in which the board has 40433
determined there is a shortage within the district or service 40434
center; or assignment to a hard-to-staff school, as determined 40435
by the board. 40436

Sec. 3317.15. (A) As used in this section, "child with a 40437
disability" has the same meaning as in section 3323.01 of the 40438
Revised Code. 40439

(B) Each city, exempted village, local, and joint 40440
vocational school district shall continue to comply with all 40441
requirements of federal statutes and regulations, the Revised 40442
Code, and rules adopted by the ~~state board~~ department of 40443
education and workforce governing education of children with 40444
disabilities, including, but not limited to, requirements that 40445
children with disabilities be served by appropriately licensed 40446

or certificated education personnel. 40447

(C) Each city, exempted village, local, and joint 40448
vocational school district shall consult with the educational 40449
service center serving the county in which the school district 40450
is located and, if it elects to participate pursuant to section 40451
5126.04 of the Revised Code, the county board of developmental 40452
disabilities of that county, in providing services that serve 40453
the best interests of children with disabilities. 40454

(D) Each school district shall annually provide 40455
documentation to the department ~~of education~~ that it employs the 40456
appropriate number of licensed or certificated personnel to 40457
serve the district's students with disabilities. 40458

(E) The department annually shall audit a sample of school 40459
districts to ensure that children with disabilities are being 40460
appropriately reported. 40461

(F) Each school district shall provide speech-language 40462
pathology services at a ratio of one speech-language pathologist 40463
per two thousand students receiving any educational services 40464
from the district other than adult education. Each district 40465
shall provide school psychological services at a ratio of one 40466
school psychologist per two thousand five hundred students 40467
receiving any educational services from the district other than 40468
adult education. A district may obtain the services of speech- 40469
language pathologists and school psychologists by any means 40470
permitted by law, including contracting with an educational 40471
service center. If, however, a district is unable to obtain the 40472
services of the required number of speech-language pathologists 40473
or school psychologists, the district may request from the 40474
~~superintendent of public instruction~~department, and the 40475
~~superintendent~~ department may grant, a waiver of this provision 40476

for a period of time established by the 40477
~~superintendent~~department. 40478

Sec. 3317.16. The department of education and workforce 40479
shall compute and distribute state core foundation funding to 40480
each funding unit that is a joint vocational school district for 40481
the fiscal year as follows: 40482

For fiscal years 2022 and 2023: 40483

The district's funding base + [(the district's state core 40484
foundation funding components for that fiscal year calculated 40485
under divisions (A) (1), (2), (4), (5), and (6) of this section - 40486
the district's general funding base) X the district's general 40487
phase-in percentage for that fiscal year] + [(the district's 40488
disadvantaged pupil impact aid for that fiscal year calculated 40489
under division (A) (3) of this section - the district's 40490
disadvantaged pupil impact aid funding base) X the district's 40491
phase-in percentage for disadvantaged pupil impact aid for that 40492
fiscal year] 40493

For fiscal year 2024 and each fiscal year thereafter, the 40494
sum of the district's state core foundation funding components 40495
for that fiscal year calculated under divisions (A) (1), (2), 40496
(3), (4), (5), and (6) of this section. 40497

(A) A district's state core foundation funding components 40498
shall be all of the following: 40499

(1) The district's state share of the base cost, which is 40500
equal to the following: 40501

(a) For fiscal years 2022 and 2023, an amount calculated 40502
according to the following formula: 40503

(The district's base cost calculated under section 3317.012 of 40504

the Revised Code) - (0.0005 X the lesser of the district's 40505
three-year average valuation or the district's most recent 40506
valuation) 40507

However, no district shall receive an amount under 40508
division (A) (1) of this section that is less than 0.05 times the 40509
base cost calculated for the district under section 3317.012 of 40510
the Revised Code. 40511

(b) For fiscal year 2024 and each fiscal year thereafter, 40512
an amount calculated in a manner determined by the general 40513
assembly. 40514

(2) Additional state aid for special education and related 40515
services provided under Chapter 3323. of the Revised Code 40516
calculated as follows: 40517

(a) For fiscal years 2022 and 2023, the sum of the 40518
following: 40519

(i) The district's category one special education ADM X 40520
the multiple specified in division (A) of section 3317.013 of 40521
the Revised Code X the statewide average base cost per pupil for 40522
that fiscal year X the district's state share percentage; 40523

(ii) The district's category two special education ADM X 40524
the multiple specified in division (B) of section 3317.013 of 40525
the Revised Code X the statewide average base cost per pupil for 40526
that fiscal year X the district's state share percentage; 40527

(iii) The district's category three special education ADM 40528
X the multiple specified in division (C) of section 3317.013 of 40529
the Revised Code X the statewide average base cost per pupil for 40530
that fiscal year X the district's state share percentage; 40531

(iv) The district's category four special education ADM X 40532

the multiple specified in division (D) of section 3317.013 of 40533
the Revised Code X the statewide average base cost per pupil for 40534
that fiscal year X the district's state share percentage; 40535

(v) The district's category five special education ADM X 40536
the multiple specified in division (E) of section 3317.013 of 40537
the Revised Code X the statewide average base cost per pupil for 40538
that fiscal year X the district's state share percentage; 40539

(vi) The district's category six special education ADM X 40540
the multiple specified in division (F) of section 3317.013 of 40541
the Revised Code X the statewide average base cost per pupil for 40542
that fiscal year X the district's state share percentage. 40543

(b) For fiscal year 2024 and each fiscal year thereafter, 40544
the sum of the following: 40545

(i) An amount calculated in a manner determined by the 40546
general assembly times the funding unit's category one special 40547
education ADM; 40548

(ii) An amount calculated in a manner determined by the 40549
general assembly times the funding unit's category two special 40550
education ADM; 40551

(iii) An amount calculated in a manner determined by the 40552
general assembly times the funding unit's category three special 40553
education ADM; 40554

(iv) An amount calculated in a manner determined by the 40555
general assembly times the funding unit's category four special 40556
education ADM; 40557

(v) An amount calculated in a manner determined by the 40558
general assembly times the funding unit's category five special 40559
education ADM; 40560

(vi) An amount calculated in a manner determined by the general assembly times the funding unit's category six special education ADM. 40561
40562
40563

(3) Disadvantaged pupil impact aid calculated as follows: 40564

(a) For fiscal years 2022 and 2023, an amount calculated according to the following formula: 40565
40566

\$422 X the district's economically disadvantaged index X the number of students who are economically disadvantaged as certified under division (D) (2) (p) of section 3317.03 of the Revised Code 40567
40568
40569
40570

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly. 40571
40572
40573

(4) English learner funds calculated as follows: 40574

(a) For fiscal years 2022 and 2023, the sum of the following: 40575
40576

(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage; 40577
40578
40579
40580

(ii) The district's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage; 40581
40582
40583
40584

(iii) The district's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage. 40585
40586
40587
40588

(b) For fiscal year 2024 and each fiscal year thereafter,	40589
the sum of the following:	40590
(i) An amount calculated in a manner determined by the	40591
general assembly times the funding unit's category one English	40592
learner ADM;	40593
(ii) An amount calculated in a manner determined by the	40594
general assembly times the funding unit's category two English	40595
learner ADM;	40596
(iii) An amount calculated in a manner determined by the	40597
general assembly times the funding unit's category three English	40598
learner ADM.	40599
(5) Career-technical education funds calculated under	40600
division (C) of section 3317.014 of the Revised Code.	40601
(6) Career-technical education associated services funds	40602
calculated under division (D) of section 3317.014 of the Revised	40603
Code.	40604
(B) (1) If a joint vocational school district's costs for a	40605
fiscal year for a student in its categories two through six	40606
special education ADM exceed the threshold catastrophic cost for	40607
serving the student, as specified in division (B) of section	40608
3317.0214 of the Revised Code, the district may submit to the	40609
superintendent of public instruction department documentation,	40610
as prescribed by the superintendent department, of all of its	40611
costs for that student. Upon submission of documentation for a	40612
student of the type and in the manner prescribed, the department	40613
shall pay to the district an amount equal to the sum of the	40614
following:	40615
(a) One-half of the district's costs for the student in	40616
excess of the threshold catastrophic cost;	40617

(b) The product of one-half of the district's costs for 40618
the student in excess of the threshold catastrophic cost 40619
multiplied by the district's state share percentage. 40620

(2) The district shall report under division (B) (1) of 40621
this section, and the department shall pay for, only the costs 40622
of educational expenses and the related services provided to the 40623
student in accordance with the student's individualized 40624
education program. Any legal fees, court costs, or other costs 40625
associated with any cause of action relating to the student may 40626
not be included in the amount. 40627

(C) (1) For each student with a disability receiving 40628
special education and related services under an individualized 40629
education program, as defined in section 3323.01 of the Revised 40630
Code, at a joint vocational school district, the resident 40631
district or, if the student is enrolled in a community school, 40632
the community school shall be responsible for the amount of any 40633
costs of providing those special education and related services 40634
to that student that exceed the sum of the amount calculated for 40635
those services attributable to that student under division (A) 40636
of this section. 40637

Those excess costs shall be calculated using a formula 40638
approved by the department. 40639

(2) The board of education of the joint vocational school 40640
district may report the excess costs calculated under division 40641
(C) (1) of this section to the department ~~of education~~. 40642

(3) If the board of education of the joint vocational 40643
school district reports excess costs under division (C) (2) of 40644
this section, the department shall pay the amount of excess cost 40645
calculated under division (C) (2) of this section to the joint 40646

vocational school district and shall deduct that amount as 40647
provided in division (C) (3) (a) or (b) of this section, as 40648
applicable: 40649

(a) If the student is not enrolled in a community school, 40650
the department shall deduct the amount from the account of the 40651
student's resident district pursuant to division (J) of section 40652
3317.023 of the Revised Code. 40653

(b) If the student is enrolled in a community school, the 40654
department shall deduct the amount from the account of the 40655
community school pursuant to section 3314.083 of the Revised 40656
Code. 40657

(D) A joint vocational school district shall spend the 40658
funds it receives under division (A) (3) of this section in 40659
accordance with section 3317.25 of the Revised Code. 40660

(E) For fiscal years 2022 and 2023, a school district 40661
shall spend the funds it receives under division (A) (4) of this 40662
section only for services for English learners. 40663

(F) As used in this section: 40664

(1) "Community school" means a community school 40665
established under Chapter 3314. of the Revised Code. 40666

(2) "Resident district" means the city, local, or exempted 40667
village school district in which a student is entitled to attend 40668
school under section 3313.64 or 3313.65 of the Revised Code. 40669

Sec. 3317.161. (A) As used in this section, "lead 40670
district" has the same meaning as in section 3317.023 of the 40671
Revised Code. 40672

(B) (1) A career-technical education program of a city, 40673
local, or exempted village school district, community school, or 40674

STEM school shall be subject to approval under this section in 40675
order for the district or school to qualify for state funding 40676
for the program. Approval granted under this section shall be 40677
valid for the five fiscal years following the fiscal year in 40678
which the program is approved and may be renewed. Approval shall 40679
be subject to annual review under division (E) of this section. 40680

(2) If a district or school becomes a new member of a 40681
career-technical planning district, its career-technical 40682
education programs shall be approved or disapproved by the lead 40683
district of the career-technical planning district during the 40684
fiscal year in which the district or school becomes a member of 40685
the career-technical planning district. Any program of the 40686
district or school that was approved by the department of 40687
education and workforce for an approval period that includes the 40688
fiscal year in which the district or school becomes a new member 40689
of the career-technical planning district shall retain its 40690
approved status during that fiscal year. 40691

(3) If an existing member of a career-technical planning 40692
district develops a new career-technical education program, that 40693
program shall be approved or disapproved by the lead district of 40694
the career-technical planning district prior to the first fiscal 40695
year for which the district or school is seeking funding for the 40696
program. 40697

(4) Except as provided in division (B) (2) of this section, 40698
if a career-technical education program was approved by the 40699
department prior to September 29, 2013, that approval remains 40700
valid for the unexpired remainder of the approval period 40701
specified by the department. Approval of that program may then 40702
be renewed in accordance with this section on a date prior to 40703
the expiration of the approval period. 40704

(C) (1) The lead district of a career-technical planning district shall approve or disapprove for a five-year period each career-technical education program of the city, local, and exempted village school districts, community schools, and STEM schools that are assigned by the department to the career-technical planning district. The lead district's decision to approve or disapprove a program shall be based on requirements for career-technical education programs that are specified in rules adopted by the department. These requirements shall include, but are not limited to, all of the following:

- (a) Demand for the career-technical education program by industries in the state;
- (b) Quality of the program;
- (c) Potential for a student enrolled in the program to receive the training that will qualify the student for industry credentials or post-secondary education;
- (d) Admission requirements of the lead district;
- (e) Past performance of the district or school that is offering the program;
- (f) Traveling distance;
- (g) Sustainability;
- (h) Capacity;
- (i) Availability of the program within the career-technical planning district;
- (j) In the case of a new program, the cost to begin the program.

(2) The lead district shall approve or disapprove each

program not later than the first day of March prior to the first 40732
fiscal year for which the district or school is seeking funding 40733
for the program. If a program is approved, the lead district 40734
shall notify the department of its decision. If a program is 40735
disapproved, the lead district shall notify the district or 40736
school of its decision. 40737

If the lead district disapproves the program or does not 40738
take any action to approve or disapprove the program by the 40739
first day of March, the district or school may appeal the lead 40740
district's decision or failure to take action to the department 40741
by the fifteenth day of March. 40742

(D) (1) Upon receiving notification of a lead district's 40743
approval of a district's or school's career-technical education 40744
program, the department shall review the lead district's 40745
decision and determine whether to approve or disapprove the 40746
program not later than the fifteenth day of May prior to the 40747
first fiscal year for which the district or school is seeking 40748
funding for the program. The department shall notify the 40749
district or school and the lead district of the district's or 40750
school's career-technical planning district of its 40751
determination. 40752

(2) Upon receiving an appeal from a district or school of 40753
a lead district's disapproval of a career-technical education 40754
program or failure to take action to approve or disapprove the 40755
program, the department shall review the lead district's 40756
disapproval or failure to take action. The department shall 40757
decide whether to approve or disapprove the program as a result 40758
of this review not later than the fifteenth day of May prior to 40759
the first fiscal year for which the district or school is 40760
seeking funding for the program. The department shall notify the 40761

lead district and the appealing district or school of its 40762
determination. 40763

(3) In conducting a review under division (D) (1) or (2) of 40764
this section, the department shall consider the criteria 40765
prescribed under division (C) (1) of this section. 40766

(4) If the department approves a program under division 40767
(D) (1) or (2) of this section, it shall authorize the payment to 40768
the district or school of the funds attributed to the career- 40769
technical students enrolled in that program in the next fiscal 40770
year according to a payment schedule prescribed by the 40771
department. 40772

(5) The department's decisions under divisions (D) (1) and 40773
(2) of this section shall be final and not appealable. 40774

(6) The ~~superintendent of public instruction~~ director of 40775
education and workforce may adopt guidelines identifying 40776
circumstances in which the department may, after consulting with 40777
a lead district, approve or disapprove a program that has been 40778
approved or disapproved by the lead district after the deadline 40779
prescribed in division (D) (1) or (2) of this section has passed. 40780

(E) The department and the lead district of each career- 40781
technical planning district shall conduct an annual review of 40782
each career-technical education program in the lead district's 40783
career-technical planning district that receives approval under 40784
this section. Continued funding of the program during the five- 40785
year approval period shall be subject to the school's compliance 40786
with any directives for performance improvement that are issued 40787
by the department or the lead district as a result of any review 40788
conducted under this section. 40789

Sec. 3317.162. (A) For fiscal years 2022 and 2023, the 40790

department of education and workforce shall pay temporary 40791
transitional aid to each joint vocational school district 40792
according to the following formula: 40793

(The district's funding base, as that term is defined in 40794
section 3317.02 of the Revised Code) - (the district's payment 40795
under section 3317.16 of the Revised Code for the fiscal year 40796
for which the payment is computed) 40797

If the computation made under division (A) of this section 40798
results in a negative number, the district's funding under 40799
division (A) of this section shall be zero. 40800

(B) If a joint vocational school district begins receiving 40801
payments under section 3317.16 of the Revised Code for fiscal 40802
year 2022 or fiscal year 2023 but does not receive payments for 40803
the fiscal year immediately preceding that fiscal year, the 40804
department shall establish the district's funding base, as that 40805
term is defined in section 3317.02 of the Revised Code, as an 40806
amount equal to the absolute value of the sum of the associated 40807
adjustments of any local school district's funding base under 40808
division (C) of section 3317.019 of the Revised Code. 40809

Sec. 3317.164. (A) As used in this section, "JobsOhio" has 40810
the same meaning as in section 187.01 of the Revised Code. 40811

(B) The governor's office of workforce transformation, in 40812
collaboration with the department of education and workforce, 40813
the chancellor of higher education, and JobsOhio, shall create a 40814
program that establishes financial incentives for Ohio 40815
businesses to provide work-based learning experiences for 40816
students enrolled in a career-technical education program 40817
approved under section 3317.161 of the Revised Code. 40818

(C) To qualify for the financial incentives of the program 40819

created under this section, a business's work-based learning 40820
experiences shall align with the framework developed by the 40821
department under division (J) (3) of section 3313.603 of the 40822
Revised Code and with the applicable minor labor laws under 40823
section 4109.02 of the Revised Code. 40824

Sec. 3317.18. (A) As used in this section, the terms 40825
"Chapter 133. securities," "credit enhancement facilities," 40826
"debt charges," "general obligation," "legislation," "public 40827
obligations," and "securities" have the same meanings as in 40828
section 133.01 of the Revised Code. 40829

(B) The board of education of any school district 40830
authorizing the issuance of securities under section 133.10 or 40831
3313.372 of the Revised Code or general obligation Chapter 133. 40832
securities may adopt legislation requesting the ~~state~~ department 40833
of education and workforce to approve, and enter into an 40834
agreement with the school district and the primary paying agent 40835
or fiscal agent for such securities providing for, the 40836
withholding and deposit of funds, otherwise due the district 40837
under Chapter 3317. of the Revised Code, for the payment of debt 40838
service charges on such securities. 40839

The board of education shall deliver to the state 40840
department a copy of such resolution and any additional 40841
pertinent information the ~~state~~ department may require. 40842

The department ~~of education~~ and the office of budget and 40843
management shall evaluate each request received from a school 40844
district under this section and the department, with the advice 40845
and consent of the director of budget and management, shall 40846
approve or deny each request based on all of the following: 40847

(1) Whether approval of the request will enhance the 40848

marketability of the securities for which the request is made; 40849

(2) Any other pertinent factors or limitations established 40850
in rules made under division (I) of this section, including: 40851

(a) Current and projected obligations of funds due to the 40852
requesting school district under Chapter 3317. of the Revised 40853
Code including obligations of those funds to public obligations 40854
or relevant credit enhancement facilities under this section, 40855
Chapter 133. and section 3313.483 of the Revised Code, and under 40856
any other similar provisions of law; 40857

(b) Whether the department of education and workforce or 40858
the office of budget and management has any reason to believe 40859
the requesting school district will be unable to pay when due 40860
the debt charges on the securities for which the request is 40861
made. 40862

The department may require a school district to establish 40863
schedules for the payment of all debt charges that take into 40864
account the amount and timing of anticipated distributions of 40865
funds to the district under Chapter 3317. of the Revised Code. 40866

(C) If the department approves the request of a school 40867
district to withhold and deposit funds pursuant to this section, 40868
the department shall enter into a written agreement with the 40869
district and the primary paying agent or fiscal agent for the 40870
securities which shall provide for the withholding of funds 40871
pursuant to this section for the payment of debt charges on 40872
those securities, and may include both of the following: 40873

(1) Provisions for certification by the district to the 40874
department, at a time prior to any date for the payment of 40875
applicable debt charges, whether the district is able to pay 40876
those debt charges when due; 40877

(2) Requirements that the district deposit amounts for the 40878
payment of debt charges on the securities with the primary 40879
paying agent or fiscal agent for the securities prior to the 40880
date on which those debt charge payments are due to the owners 40881
or holders of the securities. 40882

(D) Whenever a district notifies the department ~~of~~ 40883
~~education~~ that it will be unable to pay debt charges when they 40884
are due, subject to the withholding provisions of this section, 40885
or whenever the applicable paying agent or fiscal agent notifies 40886
the department that it has not timely received from a school 40887
district the full amount needed for the payment when due of 40888
those debt charges to the holders or owners of such securities, 40889
the department shall immediately contact the school district and 40890
the paying agent or fiscal agent to confirm or determine whether 40891
the district is unable to make the required payment by the date 40892
on which it is due. 40893

Upon demand of the treasurer of state while holding a 40894
school district obligation purchased under division (G) (1) of 40895
section 135.143 of the Revised Code, the ~~state department of~~ 40896
~~education~~, without a request of the school district, shall 40897
withhold and deposit funds pursuant to this section for payment 40898
of debt service charges on that obligation. 40899

If the department confirms or determines that the district 40900
will be unable to make such payment and payment will not be made 40901
pursuant to a credit enhancement facility, the department shall 40902
promptly pay to the applicable primary paying agent or fiscal 40903
agent the lesser of the amount due for debt charges or the 40904
amount due the district for the remainder of the fiscal year 40905
under Chapter 3317. of the Revised Code. If this amount is 40906
insufficient to pay the total amount then due the agent for the 40907

payment of debt charges, the department shall pay to the agent 40908
each fiscal year thereafter, and until the full amount due the 40909
agent for unpaid debt charges is paid in full, the lesser of the 40910
remaining amount due the agent for debt charges or the amount 40911
due the district for the fiscal year under Chapter 3317. of the 40912
Revised Code. 40913

(E) The ~~state~~ department may make any payments under this 40914
division by direct deposit of funds by electronic transfer. 40915

Any amount received by a paying agent or fiscal agent 40916
under this section shall be applied only to the payment of debt 40917
charges on the securities of the school district subject to this 40918
section or to the reimbursement to the provider of a credit 40919
enhancement facility that has paid such debt charges. 40920

(F) To the extent a school district whose securities are 40921
subject to this section is unable to pay applicable debt charges 40922
because of the failure to collect property taxes levied for the 40923
payment of those debt charges, the district may transfer to or 40924
deposit into any fund that would have received payments under 40925
Chapter 3317. of the Revised Code that were withheld under this 40926
section any such delinquent property taxes when later collected, 40927
provided that transfer or deposit shall be limited to the 40928
amounts withheld from that fund under this section. 40929

(G) The department may make payments under this section to 40930
paying agents or fiscal agents only from and to the extent that 40931
money is appropriated by the general assembly for Chapter 3317. 40932
of the Revised Code or for the purposes of this section. No 40933
securities of a school district to which this section is made 40934
applicable constitute an obligation or a debt or a pledge of the 40935
faith, credit, or taxing power of the state, and the holders or 40936
owners of such securities have no right to have taxes levied or 40937

appropriations made by the general assembly for the payment of 40938
debt charges on those securities, and those securities, if the 40939
department requires, shall contain a statement to that effect. 40940
The agreement for or the actual withholding and payment of 40941
moneys under this section does not constitute the assumption by 40942
the state of any debt of a school district. 40943

(H) In the case of securities subject to the withholding 40944
provisions of this section, the issuing board of education shall 40945
appoint a paying agent or fiscal agent who is not an officer or 40946
employee of the school district. 40947

(I) ~~The department of education,~~ with the advice of the 40948
office of budget and management, may adopt reasonable rules not 40949
inconsistent with this section for the implementation of this 40950
section and division (B) of section 133.25 of the Revised Code 40951
as it relates to the withholding and depositing of payments 40952
under Chapter 3317. of the Revised Code to secure payment of 40953
debt charges on school district securities. Those rules shall 40954
include criteria for the evaluation and approval or denial of 40955
school district requests for withholding under this section and 40956
limits on the obligation for the purpose of paying debt charges 40957
or reimbursing credit enhancement facilities of funds otherwise 40958
to be paid to school districts under Chapter 3317. of the 40959
Revised Code. 40960

(J) The authority granted by this section is in addition 40961
to and not a limitation on any other authorizations granted by 40962
or pursuant to law for the same or similar purposes. 40963

Sec. 3317.19. ~~The state board~~ department of education and 40964
workforce shall compute and distribute to each cooperative 40965
education school district for each fiscal year an amount equal 40966
to the sum of the following: 40967

(A) An amount equal to the total of the amounts credited 40968
to the cooperative education school district pursuant to 40969
division (H) of section 3317.023 of the Revised Code; 40970

(B) An amount for assisting in providing free lunches to 40971
needy children pursuant to division (D) of section 3317.024 of 40972
the Revised Code. 40973

Sec. 3317.201. This section does not apply to preschool 40974
children with disabilities. 40975

(A) As used in this section, the "total special education 40976
amount" for an institution means the following: 40977

(1) For fiscal years 2022 and 2023, the sum of the 40978
following amounts: 40979

(a) The number of children certified by the institution 40980
under division (G) (1) (a) (i) of section 3317.03 of the Revised 40981
Code as receiving services for a disability described in 40982
division (A) of section 3317.013 of the Revised Code multiplied 40983
by the multiple specified in that division multiplied by the 40984
statewide average base cost per pupil; 40985

(b) The number of children certified by the institution 40986
under division (G) (1) (a) (i) of section 3317.03 of the Revised 40987
Code as receiving services for a disability described in 40988
division (B) of section 3317.013 of the Revised Code multiplied 40989
by the multiple specified in that division multiplied by the 40990
statewide average base cost per pupil; 40991

(c) The number of children certified by the institution 40992
under division (G) (1) (a) (i) of section 3317.03 of the Revised 40993
Code as receiving services for a disability described in 40994
division (C) of section 3317.013 of the Revised Code multiplied 40995
by the multiple specified in that division multiplied by the 40996

statewide average base cost per pupil;	40997
(d) The number of children certified by the institution	40998
under division (G) (1) (a) (i) of section 3317.03 of the Revised	40999
Code as receiving services for a disability described in	41000
division (D) of section 3317.013 of the Revised Code multiplied	41001
by the multiple specified in that division multiplied by the	41002
statewide average base cost per pupil;	41003
(e) The number of children certified by the institution	41004
under division (G) (1) (a) (i) of section 3317.03 of the Revised	41005
Code as receiving services for a disability described in	41006
division (E) of section 3317.013 of the Revised Code multiplied	41007
by the multiple specified in that division multiplied by the	41008
statewide average base cost per pupil;	41009
(f) The number of children certified by the institution	41010
under division (G) (1) (a) (i) of section 3317.03 of the Revised	41011
Code as receiving services for a disability described in	41012
division (F) of section 3317.013 of the Revised Code multiplied	41013
by the multiple specified in that division multiplied by the	41014
statewide average base cost per pupil.	41015
(2) For fiscal year 2024 and each fiscal year thereafter,	41016
the sum of the following amounts:	41017
(a) An amount calculated in a manner determined by the	41018
general assembly times the number of children certified by the	41019
institution under division (G) (1) (a) (i) of section 3317.03 of	41020
the Revised Code as receiving services for a disability	41021
described in division (A) of section 3317.013 of the Revised	41022
Code;	41023
(b) An amount calculated in a manner determined by the	41024
general assembly times the number of children certified by the	41025

institution under division (G) (1) (a) (i) of section 3317.03 of 41026
the Revised Code as receiving services for a disability 41027
described in division (B) of section 3317.013 of the Revised 41028
Code; 41029

(c) An amount calculated in a manner determined by the 41030
general assembly times the number of children certified by the 41031
institution under division (G) (1) (a) (i) of section 3317.03 of 41032
the Revised Code as receiving services for a disability 41033
described in division (C) of section 3317.013 of the Revised 41034
Code; 41035

(d) An amount calculated in a manner determined by the 41036
general assembly times the number of children certified by the 41037
institution under division (G) (1) (a) (i) of section 3317.03 of 41038
the Revised Code as receiving services for a disability 41039
described in division (D) of section 3317.013 of the Revised 41040
Code; 41041

(e) An amount calculated in a manner determined by the 41042
general assembly times the number of children certified by the 41043
institution under division (G) (1) (a) (i) of section 3317.03 of 41044
the Revised Code as receiving services for a disability 41045
described in division (E) of section 3317.013 of the Revised 41046
Code; 41047

(f) An amount calculated in a manner determined by the 41048
general assembly times the number of children certified by the 41049
institution under division (G) (1) (a) (i) of section 3317.03 of 41050
the Revised Code as receiving services for a disability 41051
described in division (F) of section 3317.013 of the Revised 41052
Code. 41053

(B) For each fiscal year, the department of education and 41054

workforce shall pay each state institution required to provide 41055
special education services under division (A) of section 41056
3323.091 of the Revised Code an amount equal to the 41057
institution's total special education amount. 41058

Sec. 3317.23. (A) For purposes of this section~~+~~: 41059

(1) "Competency-based educational program" means any 41060
system of academic instruction, assessment, grading, and 41061
reporting where students receive credit based on demonstrations 41062
and assessments of their learning rather than the amount of time 41063
they spend studying a subject. A competency-based educational 41064
program shall encourage accelerated learning among students who 41065
master academic materials quickly while providing additional 41066
instructional support time for students who need it. 41067

(2) An "eligible individual" is an individual who 41068
satisfies both of the following criteria: 41069

(a) The individual is at least twenty-two years of age. 41070

(b) The individual has not been awarded a high school 41071
diploma or a certificate of high school equivalence as defined 41072
in section 4109.06 of the Revised Code. 41073

(B) An eligible individual may enroll in a city, local, or 41074
exempted village school district that operates a dropout 41075
prevention and recovery program for up to two consecutive school 41076
years for the purpose of earning a high school diploma. An 41077
individual enrolled under this division may elect to satisfy the 41078
requirements to earn a high school diploma by successfully 41079
completing a competency-based educational program that complies 41080
with the standards adopted by the department of education and 41081
workforce under section 3317.231 of the Revised Code. The 41082
district shall report that individual's enrollment on a full- 41083

time equivalency basis under division (A) of section 3317.036 of 41084
the Revised Code and shall not report that individual's 41085
enrollment under section 3317.03 of the Revised Code. An 41086
individual enrolled under this division shall not be assigned to 41087
classes or settings with students who are younger than eighteen 41088
years of age. 41089

(C) (1) For each district that enrolls individuals under 41090
division (B) of this section, the department annually shall 41091
certify the enrollment and attendance, on a full-time 41092
equivalency basis, of each individual reported by the district 41093
under division (A) of section 3317.036 of the Revised Code. 41094

(2) For each individual enrolled in a district under 41095
division (B) of this section, the department annually shall pay 41096
the district up to \$5,000, as determined by the department based 41097
on the extent of the individual's successful completion of the 41098
graduation requirements prescribed under sections 3313.603, 41099
3313.61, 3313.611, and 3313.614 of the Revised Code. 41100

(D) A district that enrolls individuals under division (B) 41101
of this section shall be subject to the program administration 41102
standards adopted by the department under section 3317.231 of 41103
the Revised Code, as applicable. 41104

Sec. 3317.231. The department of education and workforce 41105
shall adopt rules regarding the administration of programs that 41106
enroll individuals who are at least twenty-two years of age 41107
under sections 3314.38, 3317.23, 3317.24, and 3345.86 of the 41108
Revised Code, including data collection, the reporting and 41109
certification of enrollment in the programs, the measurement of 41110
the academic performance of individuals enrolled in the 41111
programs, and the standards for competency-based educational 41112
programs, as defined in section 3317.23 of the Revised Code. 41113

Sec. 3317.24. (A) For purposes of this section, 41114
"competency-based educational program" and "eligible individual" 41115
have the same meanings as in section 3317.23 of the Revised 41116
Code. 41117

(B) An eligible individual may enroll in a joint 41118
vocational school district that operates an adult education 41119
program for up to two cumulative school years for the purpose of 41120
completing the requirements to earn a high school diploma. An 41121
individual enrolled under this division may elect to satisfy 41122
these requirements by successfully completing a competency-based 41123
educational program that complies with the standards adopted by 41124
the department of education and workforce under section 3317.231 41125
of the Revised Code. The district shall report an individual's 41126
enrollment under this division on a full-time equivalency basis 41127
under division (B) of section 3317.036 of the Revised Code and 41128
shall not report that individual's enrollment under section 41129
3317.03 of the Revised Code. An individual enrolled under this 41130
division shall not be assigned to classes or settings with 41131
students who are younger than eighteen years of age. 41132

(C) (1) For each joint vocational school district that 41133
enrolls individuals under division (B) of this section, the 41134
department annually shall certify the enrollment and attendance, 41135
on a full-time equivalency basis, of each individual reported by 41136
the district under division (B) of section 3317.036 of the 41137
Revised Code. 41138

(2) For each individual enrolled in a joint vocational 41139
school district under division (B) of this section, the 41140
department annually shall pay the district up to \$5,000, as 41141
determined by the department based on the extent of the 41142
individual's successful completion of the graduation 41143

requirements prescribed under sections 3313.603, 3313.61,
3313.611, and 3313.614 of the Revised Code. 41144
41145

(D) If an individual enrolled in a joint vocational school 41146
district under division (B) of this section completes the 41147
requirements to earn a high school diploma, the joint vocational 41148
school district shall certify the completion of those 41149
requirements to the city, local, or exempted village school 41150
district in which the individual resides. Upon receiving 41151
certification under this division, the city, local, or exempted 41152
village school district in which the individual resides shall 41153
issue a high school diploma to the individual within sixty days 41154
of receiving the certification. 41155

(E) A joint vocational school district that enrolls 41156
individuals under division (B) of this section shall be subject 41157
to the program administration standards adopted by the 41158
department under section 3317.231 of the Revised Code, as 41159
applicable. 41160

Sec. 3317.25. (A) As used in this section, "disadvantaged 41161
pupil impact aid" means the following: 41162

(1) For a city, local, or exempted village school 41163
district, the funds received under division (A) (4) (a) of section 41164
3317.022 of the Revised Code; 41165

(2) For a joint vocational school district, the funds 41166
received under division (A) (3) of section 3317.16 of the Revised 41167
Code; 41168

(3) For a community school established under Chapter 3314. 41169
of the Revised Code, the funds received under division (A) (4) (b) 41170
of section 3317.022 of the Revised Code; 41171

(4) For a STEM school established under Chapter 3326. of 41172

the Revised Code, the funds received under division (A) (4) (b) of	41173
section 3317.022 of the Revised Code.	41174
(B) (1) For fiscal years 2022 and 2023, a city, local,	41175
exempted village, or joint vocational school district, community	41176
school, or STEM school shall spend the disadvantaged pupil	41177
impact aid it receives for any of the following initiatives or a	41178
combination of any of the following initiatives:	41179
(a) Extended school day and school year;	41180
(b) Reading improvement and intervention;	41181
(c) Instructional technology or blended learning;	41182
(d) Professional development in reading instruction for	41183
teachers of students in kindergarten through third grade;	41184
(e) Dropout prevention;	41185
(f) School safety and security measures;	41186
(g) Community learning centers that address barriers to	41187
learning;	41188
(h) Academic interventions for students in any of grades	41189
six through twelve;	41190
(i) Employment of an individual who has successfully	41191
completed the bright new leaders for Ohio schools program as a	41192
principal or an assistant principal under section 3319.272 of	41193
the Revised Code;	41194
(j) Mental health services, including telehealth services;	41195
(k) Culturally appropriate, evidence-based or evidence-	41196
informed prevention education, including youth-led programming	41197
and social and emotional learning curricula to promote mental	41198
health and prevent substance use and suicide;	41199

(l) Services for homeless youth;	41200
(m) Services for child welfare involved youth;	41201
(n) Community liaisons or programs that connect students to community resources, including city connects, communities in schools, and other similar programs;	41202 41203 41204
(o) Physical health care services, including telehealth services;	41205 41206
(p) Family engagement and support services;	41207
(q) Student services provided prior to or after the regularly scheduled school day or any time school is not in session, including mentoring programs.	41208 41209 41210
(2) For fiscal year 2024 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school shall spend the disadvantaged pupil impact aid it receives for one or more initiatives specified by the general assembly.	41211 41212 41213 41214 41215
(C) (1) For fiscal years 2022 and 2023, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in coordination with at least one of the following community partners:	41216 41217 41218 41219 41220 41221
(a) A board of alcohol, drug addiction, and mental health services established under Chapter 340. of the Revised Code;	41222 41223
(b) An educational service center;	41224
(c) A county board of developmental disabilities;	41225
(d) A community-based mental health treatment provider;	41226

(e) A board of health of a city or general health district; 41227
41228

(f) A county department of job and family services; 41229

(g) A nonprofit organization with experience serving children; 41230
41231

(h) A public hospital agency. 41232

(2) For fiscal year 2024 and each fiscal year thereafter, 41233
each city, local, exempted village, and joint vocational school 41234
district, community school, and STEM school that is subject to 41235
the requirements of this section shall develop a plan for 41236
utilizing the disadvantaged pupil impact aid it receives in the 41237
manner specified by the general assembly, if the general 41238
assembly requires city, local, exempted village, and joint 41239
vocational school districts, community schools, and STEM schools 41240
to develop such a plan. 41241

(D) After the end of each fiscal year, each city, local, 41242
exempted village, or joint vocational school district, community 41243
school, and STEM school shall submit a report to the department 41244
of education and workforce describing the initiative or 41245
initiatives on which the district's or school's disadvantaged 41246
pupil impact aid were spent during that fiscal year. For fiscal 41247
years 2022 and 2023, this report shall be submitted in a manner 41248
prescribed by the department and shall also describe the amount 41249
of money that was spent on each initiative. 41250

(E) Starting in 2015, the department shall submit a report 41251
of the information it receives under division (C) of this 41252
section to the general assembly not later than the first day of 41253
December of each odd-numbered year in accordance with section 41254
101.68 of the Revised Code. 41255

Sec. 3317.40. (A) As used in this section, "subgroup"	41256
means one of the following subsets of the entire student	41257
population of a school district or a school building:	41258
(1) Students with disabilities;	41259
(2) Economically disadvantaged students;	41260
(3) English learners;	41261
(4) Students identified as gifted in superior cognitive	41262
ability and specific academic ability fields under Chapter 3324.	41263
of the Revised Code.	41264
(B) It is the intent of the general assembly that funds	41265
provided under this chapter shall be used for the provision of a	41266
system of common schools and the advancement of the knowledge of	41267
all students. As such, school districts and schools shall be	41268
held accountable for those funds to ensure that all students are	41269
provided an opportunity to graduate from high school prepared	41270
for a career or for post-secondary education.	41271
(C) When funds are provided under this chapter	41272
specifically for services for a subgroup of students, the	41273
general assembly has determined that these students experience	41274
unique challenges requiring additional resources and intends	41275
that the funds so provided be used for services that will allow	41276
students in those subgroups to master the knowledge base	41277
required for high school graduation.	41278
(D) If a district or school fails to show satisfactory	41279
achievement and progress, as determined by the state board	41280
<u>department of education and workforce</u> , for any subgroup of	41281
students based on performance measures reported or graded under	41282
section 3302.03 of the Revised Code, the district or school	41283
shall submit an improvement plan to the department for approval.	41284

The plan may be included in any other improvement plan required 41285
of the district or school under state or federal law. The 41286
department may require that a plan required under division (C) 41287
of this section include an agreement to partner with another 41288
organization that has demonstrated the ability to improve the 41289
educational outcome for that subgroup of students to provide 41290
services to those students. The partner organization may be 41291
another school, district, or other education provider. 41292

~~Not later than December 31, 2014, the state board of~~ 41293
~~education~~ The department shall establish measures of 41294
satisfactory achievement and progress, which include, but are 41295
not limited to, performance measures under section 3302.03 of 41296
the Revised Code. The department shall make the initial 41297
determination of satisfactory achievement and progress under 41298
this section using those measures not later than September 1, 41299
2015, and then make determinations under this section annually 41300
thereafter. 41301

The department shall publish a list of schools, school 41302
districts, and other educational providers that have 41303
demonstrated an ability to serve each subgroup of students. 41304

Sec. 3317.50. The telecommunity education fund is hereby 41305
created in the state treasury. The fund shall consist of certain 41306
excess local exchange telephone company contributions 41307
transferred from the reserve fund of the Ohio telecommunications 41308
advisory board pursuant to an agreement between the public 41309
utilities commission of Ohio and the Ohio department of 41310
education and workforce. The fund shall be used by the 41311
chancellor of ~~the Ohio board of regents~~ higher education, in the 41312
amounts appropriated, to finance technology grants to state- 41313
chartered elementary and secondary schools. Investment earnings 41314

of the fund shall be credited to the fund. 41315

Sec. 3317.51. (A) The distance learning fund is hereby 41316
created in the state treasury. The fund shall consist of moneys 41317
paid by any telephone company as a part of a settlement 41318
agreement between such company and the public utilities 41319
commission in fiscal year 1995 in part to establish distance 41320
learning throughout the state. The chancellor of ~~the Ohio board~~ 41321
~~of regents~~ higher education shall administer the fund and expend 41322
moneys from it to finance technology grants to eligible schools 41323
chartered by the ~~state board~~ director of education and workforce 41324
to establish distance learning in those schools. Chartered 41325
schools are eligible for funds if they are within the service 41326
area of the telephone company. Investment earnings of the fund 41327
shall be credited to the fund. 41328

(B) For purposes of this section, "distance learning" 41329
means the creation of a learning environment involving a school 41330
setting and at least one other location outside of the school 41331
which allows for information available at one site to be 41332
accessed at the other through the use of such educational 41333
applications as one-way or two-way transmission of data, voice, 41334
and video, singularly or in appropriate combinations. 41335

Sec. 3318.011. For purposes of providing assistance under 41336
sections 3318.01 to 3318.20 of the Revised Code, the department 41337
of education and workforce shall annually do all of the 41338
following: 41339

(A) Calculate the adjusted valuation per pupil of each 41340
city, local, and exempted village school district according to 41341
the following formula: 41342

The district's valuation per pupil - [$\$30,000 \times (1 - \text{the}$ 41343

district's income factor)]. 41344

For purposes of this calculation: 41345

(1) Except for a district with an open enrollment net gain 41346
that is ten per cent or more of its formula ADM, "valuation per 41347
pupil" for a district means its average taxable value, divided 41348
by its formula ADM for the previous fiscal year. "Valuation per 41349
pupil," for a district with an open enrollment net gain that is 41350
ten per cent or more of its formula ADM, means its average 41351
taxable value, divided by the sum of its formula ADM for the 41352
previous fiscal year plus its open enrollment net gain for the 41353
previous fiscal year. 41354

(2) "Average taxable value" means the average of the sum 41355
of the amounts certified for a district under divisions (A) (1) 41356
and (2) of section 3317.021 of the Revised Code in the second, 41357
third, and fourth preceding fiscal years. 41358

(3) "Entitled to attend school" means entitled to attend 41359
school in a city, local, or exempted village school district 41360
under section 3313.64 or 3313.65 of the Revised Code. 41361

(4) "Formula ADM" has the same meaning as in section 41362
3317.02 of the Revised Code. 41363

(5) "Native student" has the same meaning as in section 41364
3313.98 of the Revised Code. 41365

(6) "Open enrollment net gain" for a district means (a) 41366
the number of the students entitled to attend school in another 41367
district but who are enrolled in the schools of the district 41368
under its open enrollment policy minus (b) the number of the 41369
district's native students who are enrolled in the schools of 41370
another district under the other district's open enrollment 41371
policy, both numbers as certified to the department under 41372

section 3313.981 of the Revised Code. If the difference is a 41373
negative number, the district's "open enrollment net gain" is 41374
zero. 41375

(7) "Open enrollment policy" means an interdistrict open 41376
enrollment policy adopted under section 3313.98 of the Revised 41377
Code. 41378

(8) "District median income" means the median Ohio 41379
adjusted gross income certified for a school district under 41380
section 3317.021 of the Revised Code. 41381

(9) "Statewide median income" means the median district 41382
median income of all city, exempted village, and local school 41383
districts in the state. 41384

(10) "Income factor" for a city, exempted village, or 41385
local school district means the quotient obtained by dividing 41386
that district's median income by the statewide median income. 41387

(B) Calculate for each district the three-year average of 41388
the adjusted valuations per pupil calculated for the district 41389
for the current and two preceding fiscal years; 41390

(C) Rank all such districts in order of adjusted valuation 41391
per pupil from the district with the lowest three-year average 41392
adjusted valuation per pupil to the district with the highest 41393
three-year average adjusted valuation per pupil; 41394

(D) Divide such ranking into percentiles with the first 41395
percentile containing the one per cent of school districts 41396
having the lowest three-year average adjusted valuations per 41397
pupil and the one-hundredth percentile containing the one per 41398
cent of school districts having the highest three-year average 41399
adjusted valuations per pupil; 41400

(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state;

(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio facilities construction commission.

Sec. 3318.033. (A) As used in this section:

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

(2) "Open enrollment net gain" has the same meaning as in section 3318.011 of the Revised Code.

(B) This section applies to each school district that meets the following criteria:

(1) The Ohio facilities construction commission certified its conditional approval of the district's project under sections 3318.01 to 3318.20 of the Revised Code after July 1, 2006, and prior to September 29, 2007, and the project had not been completed as of September 29, 2007.

(2) Within one year after the date of the commission's certification of its conditional approval, the district's electors approved a bond issue to pay the district's portion of the basic project cost or the district board of education complied with section 3318.052 of the Revised Code.

(3) In the fiscal year prior to the fiscal year in which the district's project was conditionally approved, the district had an open enrollment net gain that was ten per cent or more of its formula ADM.

(C) For each school district to which this section 41429
applies, the department of education and workforce shall 41430
recalculate the district's percentile ranking under section 41431
3318.011 of the Revised Code for the fiscal year prior to the 41432
fiscal year in which the district's project was conditionally 41433
approved and shall report the recalculated percentile ranking to 41434
the commission. For this purpose, the department shall 41435
recalculate every school district's percentile ranking for that 41436
fiscal year using the district's "valuation per pupil" as that 41437
term is defined in section 3318.011 of the Revised Code on and 41438
after September 29, 2007. 41439

(D) For each school district to which this section 41440
applies, the commission shall use the recalculated percentile 41441
ranking reported under division (C) of this section to determine 41442
the district's portion of the basic project cost under section 41443
3318.032 of the Revised Code. The commission shall not use the 41444
recalculated percentile ranking for any other purpose, and the 41445
recalculated ranking shall not affect any other district's 41446
portion of the basic project cost under section 3318.032 of the 41447
Revised Code or any district's eligibility for assistance under 41448
sections 3318.01 to 3318.20 of the Revised Code. The commission 41449
shall revise the agreement entered into under section 3318.08 of 41450
the Revised Code to reflect the district's new portion of the 41451
basic project cost as determined under this division. 41452

Sec. 3318.051. (A) Any city, exempted village, or local 41453
school district that commences a project under sections 3318.01 41454
to 3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on 41455
or after September 5, 2006, need not levy the tax otherwise 41456
required under division (B) of section 3318.05 of the Revised 41457
Code, if the district board of education adopts a resolution 41458
petitioning the Ohio facilities construction commission to 41459

approve the transfer of money in accordance with this section 41460
and the commission approves that transfer. If so approved, the 41461
commission and the district board shall enter into an agreement 41462
under which the board, in each of twenty-three consecutive years 41463
beginning in the year in which the board and the commission 41464
enter into the project agreement under section 3318.08 of the 41465
Revised Code, shall transfer into the maintenance fund required 41466
by division (D) of section 3318.05 of the Revised Code not less 41467
than an amount equal to one-half mill for each dollar of the 41468
district's valuation unless and until the agreement to make 41469
those transfers is rescinded by the district board pursuant to 41470
division (F) of this section. 41471

(B) On the first day of July each year, or on an 41472
alternative date prescribed by the commission, the district 41473
treasurer shall certify to the commission and the auditor of 41474
state that the amount required for the year has been 41475
transferred. The auditor of state shall include verification of 41476
the transfer as part of any audit of the district under section 41477
117.11 of the Revised Code. If the auditor of state finds that 41478
less than the required amount has been deposited into a 41479
district's maintenance fund, the auditor of state shall notify 41480
the district board of education in writing of that fact and 41481
require the board to deposit into the fund, within ninety days 41482
after the date of the notice, the amount by which the fund is 41483
deficient for the year. If the district board fails to 41484
demonstrate to the auditor of state's satisfaction that the 41485
board has made the deposit required in the notice, the auditor 41486
of state shall notify the department of education and workforce. 41487
At that time, the department shall withhold an amount equal to 41488
ten per cent of the district's funds calculated for the current 41489
fiscal year under Chapter 3317. of the Revised Code until the 41490

auditor of state notifies the department that the auditor of 41491
state is satisfied that the board has made the required 41492
transfer. 41493

(C) Money transferred to the maintenance fund shall be 41494
used for the maintenance or, upon approval of the Ohio 41495
facilities construction commission, upgrade of the facilities 41496
acquired under the district's project. 41497

(D) The transfers to the maintenance fund under this 41498
section does not affect a district's obligation to establish and 41499
maintain a capital and maintenance fund under section 3315.18 of 41500
the Revised Code. 41501

(E) Any decision by the commission to approve or not 41502
approve the transfer of money under this section is final and 41503
not subject to appeal. The commission shall not be responsible 41504
for errors or miscalculations made in deciding whether to 41505
approve a petition to make transfers under this section. 41506

(F) If the district board determines that it no longer can 41507
continue making the transfers agreed to under this section, the 41508
board may rescind the agreement only so long as the electors of 41509
the district have approved, in accordance with section 3318.063 41510
of the Revised Code, the levy of a tax for the maintenance of 41511
the classroom facilities acquired under the district's project 41512
and that levy continues to be collected as approved by the 41513
electors. That levy shall be for a number of years that is equal 41514
to the difference between twenty-three years and the number of 41515
years that the district made transfers under this section and 41516
shall be at the rate of not less than one-half mill for each 41517
dollar of the district's valuation. The district board shall 41518
continue to make the transfers agreed to under this section 41519
until that levy has been approved by the electors. 41520

Sec. 3318.08. Except in the case of a joint vocational 41521
school district that receives assistance under sections 3318.40 41522
to 3318.45 of the Revised Code, if the requisite favorable vote 41523
on the election is obtained, or if the school district board has 41524
resolved to apply the proceeds of a property tax levy or the 41525
proceeds of an income tax, or a combination of proceeds from 41526
such taxes, as authorized in section 3318.052 of the Revised 41527
Code, the Ohio facilities construction commission, upon 41528
certification to it of either the results of the election or the 41529
resolution under section 3318.052 of the Revised Code, shall 41530
enter into a written agreement with the school district board 41531
for the construction and sale of the project. In the case of a 41532
joint vocational school district that receives assistance under 41533
sections 3318.40 to 3318.45 of the Revised Code, if the school 41534
district board of education and the school district electors 41535
have satisfied the conditions prescribed in division (D)(1) of 41536
section 3318.41 of the Revised Code, the commission shall enter 41537
into an agreement with the school district board for the 41538
construction and sale of the project. In either case, the 41539
agreement shall include, but need not be limited to, the 41540
following provisions: 41541

(A) The sale and issuance of bonds or notes in 41542
anticipation thereof, as soon as practicable after the execution 41543
of the agreement, in an amount equal to the school district's 41544
portion of the basic project cost, including any securities 41545
authorized under division (J) of section 133.06 of the Revised 41546
Code and dedicated by the school district board to payment of 41547
the district's portion of the basic project cost of the project; 41548
provided, that if at that time the county treasurer of each 41549
county in which the school district is located has not commenced 41550
the collection of taxes on the general duplicate of real and 41551

public utility property for the year in which the controlling 41552
board approved the project, the school district board shall 41553
authorize the issuance of a first installment of bond 41554
anticipation notes in an amount specified by the agreement, 41555
which amount shall not exceed an amount necessary to raise the 41556
net bonded indebtedness of the school district as of the date of 41557
the controlling board's approval to within five thousand dollars 41558
of the required level of indebtedness for the preceding year. In 41559
the event that a first installment of bond anticipation notes is 41560
issued, the school district board shall, as soon as practicable 41561
after the county treasurer of each county in which the school 41562
district is located has commenced the collection of taxes on the 41563
general duplicate of real and public utility property for the 41564
year in which the controlling board approved the project, 41565
authorize the issuance of a second and final installment of bond 41566
anticipation notes or a first and final issue of bonds. 41567

The combined value of the first and second installment of 41568
bond anticipation notes or the value of the first and final 41569
issue of bonds shall be equal to the school district's portion 41570
of the basic project cost. The proceeds of any such bonds shall 41571
be used first to retire any bond anticipation notes. Otherwise, 41572
the proceeds of such bonds and of any bond anticipation notes, 41573
except the premium and accrued interest thereon, shall be 41574
deposited in the school district's project construction fund. In 41575
determining the amount of net bonded indebtedness for the 41576
purpose of fixing the amount of an issue of either bonds or bond 41577
anticipation notes, gross indebtedness shall be reduced by 41578
moneys in the bond retirement fund only to the extent of the 41579
moneys therein on the first day of the year preceding the year 41580
in which the controlling board approved the project. Should 41581
there be a decrease in the tax valuation of the school district 41582

so that the amount of indebtedness that can be incurred on the 41583
tax duplicates for the year in which the controlling board 41584
approved the project is less than the amount of the first 41585
installment of bond anticipation notes, there shall be paid from 41586
the school district's project construction fund to the school 41587
district's bond retirement fund to be applied against such notes 41588
an amount sufficient to cause the net bonded indebtedness of the 41589
school district, as of the first day of the year following the 41590
year in which the controlling board approved the project, to be 41591
within five thousand dollars of the required level of 41592
indebtedness for the year in which the controlling board 41593
approved the project. The maximum amount of indebtedness to be 41594
incurred by any school district board as its share of the cost 41595
of the project is either an amount that will cause its net 41596
bonded indebtedness, as of the first day of the year following 41597
the year in which the controlling board approved the project, to 41598
be within five thousand dollars of the required level of 41599
indebtedness, or an amount equal to the required percentage of 41600
the basic project costs, whichever is greater. All bonds and 41601
bond anticipation notes shall be issued in accordance with 41602
Chapter 133. of the Revised Code, and notes may be renewed as 41603
provided in section 133.22 of the Revised Code. 41604

(B) The transfer of such funds of the school district 41605
board available for the project, together with the proceeds of 41606
the sale of the bonds or notes, except premium, accrued 41607
interest, and interest included in the amount of the issue, to 41608
the school district's project construction fund; 41609

(C) For all school districts except joint vocational 41610
school districts that receive assistance under sections 3318.40 41611
to 3318.45 of the Revised Code, the following provisions as 41612
applicable: 41613

(1) If section 3318.052 of the Revised Code applies, the 41614
earmarking of the proceeds of a tax levied under section 5705.21 41615
of the Revised Code for general permanent improvements or under 41616
section 5705.218 of the Revised Code for the purpose of 41617
permanent improvements, or the proceeds of a school district 41618
income tax levied under Chapter 5748. of the Revised Code, or 41619
the proceeds from a combination of those two taxes, in an amount 41620
to pay all or part of the service charges on bonds issued to pay 41621
the school district portion of the project and an amount 41622
equivalent to all or part of the tax required under division (B) 41623
of section 3318.05 of the Revised Code; 41624

(2) If section 3318.052 of the Revised Code does not 41625
apply, one of the following: 41626

(a) The levy of the tax authorized at the election for the 41627
payment of maintenance costs, as specified in division (B) of 41628
section 3318.05 of the Revised Code; 41629

(b) If the school district electors have approved a 41630
continuing tax for general permanent improvements under section 41631
5705.21 of the Revised Code and that tax can be used for 41632
maintenance, the earmarking of an amount of the proceeds from 41633
such tax for maintenance of classroom facilities as specified in 41634
division (B) of section 3318.05 of the Revised Code; 41635

(c) If, in lieu of the tax otherwise required under 41636
division (B) of section 3318.05 of the Revised Code, the 41637
commission has approved the transfer of money to the maintenance 41638
fund in accordance with section 3318.051 of the Revised Code, a 41639
requirement that the district board comply with the provisions 41640
of that section. The district board may rescind the provision 41641
prescribed under division (C) (2) (c) of this section only so long 41642
as the electors of the district have approved, in accordance 41643

with section 3318.063 of the Revised Code, the levy of a tax for 41644
the maintenance of the classroom facilities acquired under the 41645
district's project and that levy continues to be collected as 41646
approved by the electors. 41647

(D) For joint vocational school districts that receive 41648
assistance under sections 3318.40 to 3318.45 of the Revised 41649
Code, provision for deposit of school district moneys dedicated 41650
to maintenance of the classroom facilities acquired under those 41651
sections as prescribed in section 3318.43 of the Revised Code; 41652

(E) Dedication of any local donated contribution as 41653
provided for under section 3318.084 of the Revised Code, 41654
including a schedule for depositing such moneys applied as an 41655
offset of the district's obligation to levy the tax described in 41656
division (B) of section 3318.05 of the Revised Code as required 41657
under division (D) (2) of section 3318.084 of the Revised Code; 41658

(F) Ownership of or interest in the project during the 41659
period of construction, which shall be divided between the 41660
commission and the school district board in proportion to their 41661
respective contributions to the school district's project 41662
construction fund; 41663

(G) Maintenance of the state's interest in the project 41664
until any obligations issued for the project under section 41665
3318.26 of the Revised Code are no longer outstanding; 41666

(H) The insurance of the project by the school district 41667
from the time there is an insurable interest therein and so long 41668
as the state retains any ownership or interest in the project 41669
pursuant to division (F) of this section, in such amounts and 41670
against such risks as the commission shall require; provided, 41671
that the cost of any required insurance until the project is 41672

completed shall be a part of the basic project cost; 41673

(I) The certification by the director of budget and 41674
management that funds are available and have been set aside to 41675
meet the state's share of the basic project cost as approved by 41676
the controlling board pursuant to either section 3318.04 or 41677
division (B) (1) of section 3318.41 of the Revised Code; 41678

(J) Authorization of the school district board to 41679
advertise for and receive construction bids for the project, for 41680
and on behalf of the commission, and to award contracts in the 41681
name of the state subject to approval by the commission; 41682

(K) Provisions for the disbursement of moneys from the 41683
school district's project account upon issuance by the 41684
commission or the commission's designated representative of 41685
vouchers for work done to be certified to the commission by the 41686
treasurer of the school district board; 41687

(L) Disposal of any balance left in the school district's 41688
project construction fund upon completion of the project; 41689

(M) Limitations upon use of the project or any part of it 41690
so long as any obligations issued to finance the project under 41691
section 3318.26 of the Revised Code are outstanding; 41692

(N) Provision for vesting the state's interest in the 41693
project to the school district board when the obligations issued 41694
to finance the project under section 3318.26 of the Revised Code 41695
are outstanding; 41696

(O) Provision for deposit of an executed copy of the 41697
agreement in the office of the commission; 41698

(P) Provision for termination of the contract and release 41699
of the funds encumbered at the time of the conditional approval, 41700

if the proceeds of the sale of the bonds of the school district 41701
board are not paid into the school district's project 41702
construction fund and if bids for the construction of the 41703
project have not been taken within such period after the 41704
execution of the agreement as may be fixed by the commission; 41705

(Q) A provision that requires the school district to 41706
adhere to a facilities maintenance plan approved by the 41707
commission; 41708

(R) Provision that all state funds reserved and encumbered 41709
to pay the state share of the cost of the project and the funds 41710
provided by the school district to pay for its share of the 41711
project cost, including the respective shares of the cost of a 41712
segment if the project is divided into segments, be spent on the 41713
construction and acquisition of the project or segment 41714
simultaneously in proportion to the state's and the school 41715
district's respective shares of that basic project cost as 41716
determined under section 3318.032 of the Revised Code or, if the 41717
district is a joint vocational school district, under section 41718
3318.42 of the Revised Code. However, if the school district 41719
certifies to the commission that expenditure by the school 41720
district is necessary to maintain the federal tax status or tax- 41721
exempt status of notes or bonds issued by the school district to 41722
pay for its share of the project cost or to comply with 41723
applicable temporary investment periods or spending exceptions 41724
to rebate as provided for under federal law in regard to those 41725
notes or bonds, the school district may commit to spend, or 41726
spend, a greater portion of the funds it provides during any 41727
specific period than would otherwise be required under this 41728
division. 41729

(S) A provision stipulating that the commission may 41730

prohibit the district from proceeding with any project if the 41731
commission determines that the site is not suitable for 41732
construction purposes. The commission may perform soil tests in 41733
its determination of whether a site is appropriate for 41734
construction purposes. 41735

(T) A provision stipulating that, unless otherwise 41736
authorized by the commission, any contingency reserve portion of 41737
the construction budget prescribed by the commission shall be 41738
used only to pay costs resulting from unforeseen job conditions, 41739
to comply with rulings regarding building and other codes, to 41740
pay costs related to design clarifications or corrections to 41741
contract documents, and to pay the costs of settlements or 41742
judgments related to the project as provided under section 41743
3318.086 of the Revised Code; 41744

(U) A provision stipulating that for continued release of 41745
project funds the school district board shall comply with 41746
sections 3313.41, 3313.411, and 3313.413 of the Revised Code 41747
throughout the project and shall notify the department of 41748
education and workforce and the Ohio community school 41749
association when the board plans to dispose of facilities by 41750
sale under that section; 41751

(V) A provision stipulating that the commission shall not 41752
approve a contract for demolition of a facility until the school 41753
district board has complied with sections 3313.41, 3313.411, and 41754
3313.413 of the Revised Code relative to that facility, unless 41755
demolition of that facility is to clear a site for construction 41756
of a replacement facility included in the district's project. 41757

Sec. 3318.084. (A) Notwithstanding anything to the 41758
contrary in Chapter 3318. of the Revised Code, a school district 41759
board may apply any local donated contribution toward any of the 41760

following: 41761

(1) The district's portion of the basic project cost of a 41762
project under either sections 3318.01 to 3318.20 or sections 41763
3318.40 to 3318.45 of the Revised Code to reduce the amount of 41764
bonds the district otherwise must issue in order to receive 41765
state assistance under those sections; 41766

(2) If the school district is not a joint vocational 41767
school district proceeding under sections 3318.40 to 3318.45 of 41768
the Revised Code, an offset of all or part of a district's 41769
obligation to levy the tax described in division (B) of section 41770
3318.05 of the Revised Code, which shall be applied only in the 41771
manner prescribed in division (B) of this section; 41772

(3) If the school district is a joint vocational school 41773
district proceeding under sections 3318.40 to 3318.45 of the 41774
Revised Code, all or part of the amount the school district is 41775
obligated to set aside for maintenance of the classroom 41776
facilities acquired under that project pursuant to section 41777
3318.43 of the Revised Code. 41778

(B) No school district board shall apply any local donated 41779
contribution under division (A) (2) of this section unless the 41780
Ohio facilities construction commission first approves that 41781
application. 41782

Upon the request of the school district board to apply 41783
local donated contribution under division (A) (2) of this 41784
section, the commission in consultation with the department of 41785
taxation shall determine the amount of total revenue that likely 41786
would be generated by one-half mill of the tax described in 41787
division (B) of section 3318.05 of the Revised Code over the 41788
entire twenty-three-year period required under that section and 41789

shall deduct from that amount any amount of local donated 41790
contribution that the board has committed to apply under 41791
division (A) (2) of this section. The commission then shall 41792
determine in consultation with the department of taxation the 41793
rate of tax over twenty-three years necessary to generate the 41794
amount of a one-half mill tax not offset by the local donated 41795
contribution. Notwithstanding anything to the contrary in 41796
section 3318.06, 3318.061, or 3318.361 of the Revised Code, the 41797
rate determined by the commission shall be the rate for which 41798
the district board shall seek elector approval under those 41799
sections to meet its obligation under division (B) of section 41800
3318.05 of the Revised Code. In the case of a complete offset of 41801
the district's obligation under division (B) of section 3318.05 41802
of the Revised Code, the district shall not be required to levy 41803
the tax otherwise required under that section. At the end of the 41804
twenty-three-year period of the tax required under division (B) 41805
of section 3318.05 of the Revised Code, whether or not the tax 41806
is actually levied, the commission in consultation of the 41807
department of taxation shall recalculate the amount that would 41808
have been generated by the tax if it had been levied at one-half 41809
mill. If the total amount actually generated over that period 41810
from both the tax that was actually levied and any local donated 41811
contribution applied under division (A) (2) of this section is 41812
less than the amount that would have been raised by a one-half 41813
mill tax, the district shall pay any difference. If the total 41814
amount actually raised in such manner is greater than the amount 41815
that would have been raised by a one-half mill tax the 41816
difference shall be zero and no payments shall be made by either 41817
the district or the commission. 41818

(C) As used in this section, "local donated contribution" 41819
means any of the following: 41820

(1) Any moneys irrevocably donated or granted to a school district board by a source other than the state which the board has the authority to apply to the school district's project under sections 3318.01 to 3318.20 of the Revised Code and which the board has pledged for that purpose by resolution adopted by a majority of its members;

(2) Any irrevocable letter of credit issued on behalf of a school district which the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the department of education and workforce;

(3) Any cash a school district has on hand that the school district board has encumbered for payment of the school district's share of its project under sections 3318.01 to 3318.20 of the Revised Code that has been approved by the commission in consultation with the ~~department of education~~, including the following:

(a) Any year-end operating fund balances that can be spent for classroom facilities;

(b) Any cash resulting from a lease-purchase agreement that the school district board has entered into under section 3313.375 of the Revised Code, provided that the agreement and the related financing documents contain provisions protecting the state's superior interest in the project.

(4) Any moneys spent by a source other than the school district or the state for construction or renovation of specific classroom facilities that have been approved by the commission as part of the basic project cost of the district's project. The

school district, the commission, and the entity providing the 41850
local donated contribution under division (C) (4) of this section 41851
shall enter into an agreement identifying the classroom 41852
facilities to be acquired by the expenditures made by that 41853
entity. The agreement shall include, but not be limited to, 41854
stipulations that require an audit by the commission of such 41855
expenditures made on behalf of the district and that specify the 41856
maximum amount of credit to be allowed for those expenditures. 41857
Upon completion of the construction or renovation, the 41858
commission shall determine the actual amount that the commission 41859
will credit, at the request of the district board, toward the 41860
district's portion of the basic project cost, any project cost 41861
overruns, or the basic project cost of future segments if the 41862
project has been divided into segments under section 3318.38 of 41863
the Revised Code. The actual amount of the credit shall not 41864
exceed the lesser of the amount specified in the agreement or 41865
the actual cost of the construction or renovation. 41866

(D) No state moneys shall be released for a project to 41867
which this section applies until: 41868

(1) Any local donated contribution authorized under 41869
division (A) (1) of this section is first deposited into the 41870
school district's project construction fund. 41871

(2) The school district board and the commission have 41872
included a stipulation in their agreement entered into under 41873
section 3318.08 of the Revised Code under which the board will 41874
deposit into a fund approved by the commission according to a 41875
schedule that does not extend beyond the anticipated completion 41876
date of the project the total amount of any local donated 41877
contribution authorized under division (A) (2) or (3) of this 41878
section and dedicated by the board for that purpose. 41879

However, if any local donated contribution as described in 41880
division (C) (4) of this section has been approved under this 41881
section, the state moneys may be released even if the entity 41882
providing that local donated contribution has not spent the 41883
moneys so dedicated as long as the agreement required under that 41884
section has been executed. 41885

Sec. 3318.18. (A) As used in this section: 41886

(1) "Valuation" of a school district means the sum of the 41887
amounts described in divisions (A) (1) and (2) of section 41888
3317.021 of the Revised Code as most recently certified for the 41889
district before the annual computation is made under division 41890
(B) of this section. 41891

(2) "Valuation per pupil" of a school district means the 41892
district's valuation divided by the district's formula ADM as 41893
most recently calculated under section 3317.03 of the Revised 41894
Code before the annual computation is made under division (B) of 41895
this section. 41896

(3) "Statewide average valuation per pupil" means the 41897
total of the valuations of all school districts divided by the 41898
total of the formula ADMs of all school districts as most 41899
recently calculated under section 3317.03 of the Revised Code 41900
before the annual computation is made under division (C) of this 41901
section. 41902

(4) "Maintenance levy requirement" means the tax required 41903
to be levied pursuant to division (C) (2) (a) of section 3318.08 41904
and division (B) of section 3318.05 of the Revised Code or the 41905
application of proceeds of another levy to paying the costs of 41906
maintaining classroom facilities pursuant to division (A) (2) of 41907
section 3318.052, division (C) (1) or (C) (2) (b) of section 41908

3318.08, or division (D) (2) of section 3318.36 of the Revised Code, or a combination thereof. 41909
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(5) "Project agreement" means an agreement between a school district and the Ohio facilities construction commission under section 3318.08 or division (B) (1) of section 3318.36 of the Revised Code. 41911
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~~(B) On or before July 1, 2006, the department of education shall compute the statewide average valuation per pupil and the valuation per pupil of each school district, and provide them to the Ohio facilities construction commission.~~ On or before the first day of July each year beginning in 2007, the department of education and workforce shall compute the statewide average valuation per pupil and the valuation per pupil of each school district that has not already entered into a project agreement, and provide the results of those computations to the commission. 41915
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(C) (1) At the time the Ohio facilities construction commission enters into a project agreement with a school district, the commission shall compute the difference between the district's valuation per pupil and the statewide average valuation per pupil as most recently provided to the commission under division (B) of this section. If the school district's valuation per pupil is less than the average statewide valuation per pupil, the commission shall multiply the difference between those amounts by one-half mill times the formula ADM of the district as most recently reported to the department ~~of education~~ for October under division (A) of section 3317.03 of the Revised Code. The commission shall certify the resulting product to the department ~~of education~~, along with the date on which the maintenance levy requirement terminates as provided in the project agreement between the school district board and the 41924
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commission. 41939

(2) In the case of a school district that entered into a 41940
project agreement after July 1, 1997, but before July 1, 2006, 41941
the commission shall make the computation described in division 41942
(C) (1) of this section on the basis of the district's valuation 41943
per pupil and the statewide average valuation per pupil computed 41944
as of September 1, 2006, and the district's formula ADM reported 41945
for October 2005. 41946

(3) The amount computed for a school district under 41947
division (C) (1) or (2) of this section shall not change for the 41948
period during which payments are made to the district under 41949
division (D) of this section. 41950

(4) A computation need not be made under division (C) (1) 41951
or (2) of this section for a school district that certified a 41952
resolution to the commission under division (D) (3) of section 41953
3318.36 of the Revised Code until the district becomes eligible 41954
for state assistance as provided in that division. 41955

(D) In the fourth quarter of each fiscal year, for each 41956
school district for which a computation has been made under 41957
division (C) of this section, the ~~department of education~~ shall 41958
pay the amount computed to each such school district. Payments 41959
shall be made to a school district each year until and including 41960
the tax year in which the district's maintenance levy 41961
requirement terminates. Payments shall be paid from the half- 41962
mill equalization fund, subject to appropriation by the general 41963
assembly. However, the department shall make no payments under 41964
this section to any district that elects the procedure 41965
authorized by section 3318.051 of the Revised Code. 41966

(E) Payments made to a school district under this section 41967

shall be credited to the district's classroom facilities 41968
maintenance fund and shall be used only for the purpose of 41969
maintaining facilities constructed or renovated under the 41970
project agreement. 41971

(F) There is hereby created in the state treasury the 41972
half-mill equalization fund. The fund shall receive transfers 41973
pursuant to section 5727.85 of the Revised Code. The fund shall 41974
be used first to make annual payments under division (D) of this 41975
section. If a balance remains in the fund after such payments 41976
are made in full for a year, the Ohio facilities construction 41977
commission may request the controlling board to transfer a 41978
reasonable amount from such remaining balance to the public 41979
school building fund created under section 3318.15 of the 41980
Revised Code for the purposes of this chapter. 41981

All investment earnings arising from investment of money 41982
in the half-mill equalization fund shall be credited to the 41983
fund. 41984

Sec. 3318.363. (A) This section applies beginning in 41985
fiscal year 2003 and only to a school district participating in 41986
the school building assistance expedited local partnership 41987
program under section 3318.36 of the Revised Code. 41988

(B) If there is a decrease in the tax valuation of a 41989
school district to which this section applies by ten per cent or 41990
greater from one tax year to the next due to a decrease in the 41991
assessment rate of the taxable property of an electric company 41992
that owns property in the district, as provided for in section 41993
5727.111 of the Revised Code as amended by Am. Sub. S.B. 3 of 41994
the 123rd General Assembly, the Ohio facilities construction 41995
commission shall calculate or recalculate the state and school 41996
district portions of the basic project cost of the school 41997

district's project by determining the percentile rank in which 41998
the district would be located if such ranking were made using 41999
the adjusted valuation per pupil calculated under division (C) 42000
of this section rather than the three-year average adjusted 42001
valuation per pupil, calculated under division (B) of section 42002
3318.011 of the Revised Code. For such district, the required 42003
percentage of the basic project cost used to determine the state 42004
and school district shares of that cost under division (C) of 42005
section 3318.36 of the Revised Code shall be based on the 42006
percentile rank as calculated under this section rather than as 42007
otherwise provided in division (C) (1) of section 3318.36 of the 42008
Revised Code. If the commission has determined the state and 42009
school district portion of the basic project cost of such a 42010
district's project under section 3318.36 of the Revised Code 42011
prior to that decrease in tax valuation, the commission shall 42012
adjust the state and school district shares of the basic project 42013
cost of such project in accordance with this section. 42014

(C) (1) As used in divisions (C) and (D) of this section, 42015
"total taxable value" and "formula ADM" have the same meanings 42016
as in section 3317.02 of the Revised Code, and "income factor" 42017
has the same meaning as in section 3318.011 of the Revised Code. 42018

(2) The adjusted valuation per pupil for a school district 42019
to which this section applies shall be calculated using the 42020
following formula: 42021

(The district's total taxable value for the tax year 42022
preceding the calendar year in which the current fiscal year 42023
begins / the district's formula ADM for the previous fiscal 42024
year) - [\$30,000 x (1 - the district's income factor)]. 42025

(D) At the request of the Ohio facilities construction 42026
commission, the department of education and workforce shall 42027

report a district's total taxable value for the tax year 42028
preceding the calendar year in which the current fiscal year 42029
begins for any district to which this section applies as that 42030
information has been certified to the department by the tax 42031
commissioner pursuant to section 3317.021 of the Revised Code. 42032

Sec. 3318.42. (A) Not later than the sixty-first day after 42033
March 14, 2003, and subsequently not later than the sixty-first 42034
day after the first day of each ensuing fiscal year, the 42035
department of education and workforce shall do all of the 42036
following: 42037

(1) Calculate the valuation per pupil of each joint 42038
vocational school district according to the following formula: 42039

The school district's average taxable value divided by the 42040
school district's formula ADM calculated under section 3317.03 42041
of the Revised Code for the previous fiscal year. For purposes 42042
of this calculation: 42043

(a) "Average taxable value" means the average of the 42044
amounts certified for a school district in the second, third, 42045
and fourth preceding tax years under divisions (A) (1) and (2) of 42046
section 3317.021 of the Revised Code. 42047

(b) "Formula ADM" has the same meaning as defined in 42048
section 3317.02 of the Revised Code. 42049

(2) Calculate for each school district the three-year 42050
average of the valuations per pupil calculated for the school 42051
district for the current and two preceding fiscal years; 42052

(3) Rank all joint vocational school districts in order 42053
from the school district with the lowest three-year average 42054
valuation per pupil to the school district with the highest 42055
three-year average valuation per pupil; 42056

(4) Divide the ranking under division (A) (3) of this section into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average valuations per pupil;

(5) Certify the information described in divisions (A) (1) to (4) of this section to the Ohio facilities construction commission.

(B) The commission annually shall select school districts for assistance under sections 3318.40 to 3318.45 of the Revised Code in the order of the school districts' three-year average valuations per pupil such that the school district with the lowest three-year average valuation per pupil shall be given the highest priority for assistance.

(C) Each joint vocational school district's portion of the basic project cost of the school district's project under sections 3318.40 to 3318.45 of the Revised Code shall be one per cent times the percentile in which the district ranks, except that no school district's portion shall be less than twenty-five per cent or greater than ninety-five per cent of the basic project cost.

Sec. 3319.02. (A) (1) As used in this section, "other administrator" means any of the following:

(a) Except as provided in division (A) (2) of this section, any employee in a position for which a board of education requires a license designated by rule of the ~~department~~ state board of education for being an administrator issued under section 3319.22 of the Revised Code, including a professional

pupil services employee or administrative specialist or an 42086
equivalent of either one who is not employed as a school 42087
counselor and spends less than fifty per cent of the time 42088
employed teaching or working with students; 42089

(b) Any nonlicensed employee whose job duties enable such 42090
employee to be considered as either a "supervisor" or a 42091
"management level employee," as defined in section 4117.01 of 42092
the Revised Code; 42093

(c) A business manager appointed under section 3319.03 of 42094
the Revised Code. 42095

(2) As used in this section, "other administrator" does 42096
not include a superintendent, assistant superintendent, 42097
principal, or assistant principal. 42098

(B) The board of education of each school district and the 42099
governing board of an educational service center may appoint one 42100
or more assistant superintendents and such other administrators 42101
as are necessary. An assistant educational service center 42102
superintendent or service center supervisor employed on a part- 42103
time basis may also be employed by a local board as a teacher. 42104
The board of each city, exempted village, and local school 42105
district shall employ principals for all high schools and for 42106
such other schools as the board designates, and those boards may 42107
appoint assistant principals for any school that they designate. 42108

(C) In educational service centers and in city, exempted 42109
village, and local school districts, assistant superintendents, 42110
principals, assistant principals, and other administrators shall 42111
only be employed or reemployed in accordance with nominations of 42112
the superintendent, except that a board of education of a school 42113
district or the governing board of a service center, by a three- 42114

fourths vote of its full membership, may reemploy any assistant 42115
superintendent, principal, assistant principal, or other 42116
administrator whom the superintendent refuses to nominate. 42117

The board of education or governing board shall execute a 42118
written contract of employment with each assistant 42119
superintendent, principal, assistant principal, and other 42120
administrator it employs or reemploys. The term of such contract 42121
shall not exceed three years except that in the case of a person 42122
who has been employed as an assistant superintendent, principal, 42123
assistant principal, or other administrator in the district or 42124
center for three years or more, the term of the contract shall 42125
be for not more than five years and, unless the superintendent 42126
of the district recommends otherwise, not less than two years. 42127
If the superintendent so recommends, the term of the contract of 42128
a person who has been employed by the district or service center 42129
as an assistant superintendent, principal, assistant principal, 42130
or other administrator for three years or more may be one year, 42131
but all subsequent contracts granted such person shall be for a 42132
term of not less than two years and not more than five years. 42133
When a teacher with continuing service status becomes an 42134
assistant superintendent, principal, assistant principal, or 42135
other administrator with the district or service center with 42136
which the teacher holds continuing service status, the teacher 42137
retains such status in the teacher's nonadministrative position 42138
as provided in sections 3311.77, 3319.08, and 3319.09 of the 42139
Revised Code. 42140

A board of education or governing board may reemploy an 42141
assistant superintendent, principal, assistant principal, or 42142
other administrator at any regular or special meeting held 42143
during the period beginning on the first day of January of the 42144
calendar year immediately preceding the year of expiration of 42145

the employment contract and ending on the first day of June of 42146
the year the employment contract expires. 42147

Except by mutual agreement of the parties thereto, no 42148
assistant superintendent, principal, assistant principal, or 42149
other administrator shall be transferred during the life of a 42150
contract to a position of lesser responsibility. No contract may 42151
be terminated by a board except pursuant to section 3319.16 of 42152
the Revised Code. No contract may be suspended except pursuant 42153
to section 3319.17 or 3319.171 of the Revised Code. The salaries 42154
and compensation prescribed by such contracts shall not be 42155
reduced by a board unless such reduction is a part of a uniform 42156
plan affecting the entire district or center. The contract shall 42157
specify the employee's administrative position and duties as 42158
included in the job description adopted under division (D) of 42159
this section, the salary and other compensation to be paid for 42160
performance of duties, the number of days to be worked, the 42161
number of days of vacation leave, if any, and any paid holidays 42162
in the contractual year. 42163

An assistant superintendent, principal, assistant 42164
principal, or other administrator is, at the expiration of the 42165
current term of employment, deemed reemployed at the same salary 42166
plus any increments that may be authorized by the board, unless 42167
such employee notifies the board in writing to the contrary on 42168
or before the fifteenth day of June, or unless such board, on or 42169
before the first day of June of the year in which the contract 42170
of employment expires, either reemploys such employee for a 42171
succeeding term or gives written notice of its intention not to 42172
reemploy the employee. The term of reemployment of a person 42173
reemployed under this paragraph shall be one year, except that 42174
if such person has been employed by the school district or 42175
service center as an assistant superintendent, principal, 42176

assistant principal, or other administrator for three years or more, the term of reemployment shall be two years. 42177
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(D) (1) Each board shall adopt procedures for the 42179
evaluation of all assistant superintendents, principals, 42180
assistant principals, and other administrators and shall 42181
evaluate such employees in accordance with those procedures. The 42182
procedures for the evaluation of principals and assistant 42183
principals shall be based on principles comparable to the 42184
teacher evaluation policy adopted by the board under section 42185
3319.111 of the Revised Code, but shall be tailored to the 42186
duties and responsibilities of principals and assistant 42187
principals and the environment in which they work. An evaluation 42188
based upon procedures adopted under this division shall be 42189
considered by the board in deciding whether to renew the 42190
contract of employment of an assistant superintendent, 42191
principal, assistant principal, or other administrator. 42192

(2) The evaluation shall measure each assistant 42193
superintendent's, principal's, assistant principal's, and other 42194
administrator's effectiveness in performing the duties included 42195
in the job description and the evaluation procedures shall 42196
provide for, but not be limited to, the following: 42197

(a) Each assistant superintendent, principal, assistant 42198
principal, and other administrator shall be evaluated annually 42199
through a written evaluation process. 42200

(b) The evaluation shall be conducted by the 42201
superintendent or designee. 42202

(c) In order to provide time to show progress in 42203
correcting the deficiencies identified in the evaluation 42204
process, the evaluation process shall be completed as follows: 42205

(i) In any school year that the employee's contract of employment is not due to expire, at least one evaluation shall be completed in that year. A written copy of the evaluation shall be provided to the employee no later than the end of the employee's contract year as defined by the employee's annual salary notice.

(ii) In any school year that the employee's contract of employment is due to expire, at least a preliminary evaluation and at least a final evaluation shall be completed in that year. A written copy of the preliminary evaluation shall be provided to the employee at least sixty days prior to any action by the board on the employee's contract of employment. The final evaluation shall indicate the superintendent's intended recommendation to the board regarding a contract of employment for the employee. A written copy of the evaluation shall be provided to the employee at least five days prior to the board's acting to renew or not renew the contract.

(3) Termination of an assistant superintendent, principal, assistant principal, or other administrator's contract shall be pursuant to section 3319.16 of the Revised Code. Suspension of any such employee shall be pursuant to section 3319.17 or 3319.171 of the Revised Code.

(4) Before taking action to renew or nonrenew the contract of an assistant superintendent, principal, assistant principal, or other administrator under this section and prior to the first day of June of the year in which such employee's contract expires, the board shall notify each such employee of the date that the contract expires and that the employee may request a meeting with the board. Upon request by such an employee, the board shall grant the employee a meeting in executive session.

In that meeting, the board shall discuss its reasons for 42236
considering renewal or nonrenewal of the contract. The employee 42237
shall be permitted to have a representative, chosen by the 42238
employee, present at the meeting. 42239

(5) The establishment of an evaluation procedure shall not 42240
create an expectancy of continued employment. Nothing in 42241
division (D) of this section shall prevent a board from making 42242
the final determination regarding the renewal or nonrenewal of 42243
the contract of any assistant superintendent, principal, 42244
assistant principal, or other administrator. However, if a board 42245
fails to provide evaluations pursuant to division (D) (2) (c) (i) 42246
or (ii) of this section, or if the board fails to provide at the 42247
request of the employee a meeting as prescribed in division (D) 42248
(4) of this section, the employee automatically shall be 42249
reemployed at the same salary plus any increments that may be 42250
authorized by the board for a period of one year, except that if 42251
the employee has been employed by the district or service center 42252
as an assistant superintendent, principal, assistant principal, 42253
or other administrator for three years or more, the period of 42254
reemployment shall be for two years. 42255

(E) On nomination of the superintendent of a service 42256
center a governing board may employ supervisors who shall be 42257
employed under written contracts of employment for terms not to 42258
exceed five years each. Such contracts may be terminated by a 42259
governing board pursuant to section 3319.16 of the Revised Code. 42260
Any supervisor employed pursuant to this division may terminate 42261
the contract of employment at the end of any school year after 42262
giving the board at least thirty days' written notice prior to 42263
such termination. On the recommendation of the superintendent 42264
the contract or contracts of any supervisor employed pursuant to 42265
this division may be suspended for the remainder of the term of 42266

any such contract pursuant to section 3319.17 or 3319.171 of the Revised Code. 42267
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(F) A board may establish vacation leave for any individuals employed under this section. Upon such an individual's separation from employment, a board that has such leave may compensate such an individual at the individual's current rate of pay for all lawfully accrued and unused vacation leave credited at the time of separation, not to exceed the amount accrued within three years before the date of separation. In case of the death of an individual employed under this section, such unused vacation leave as the board would have paid to the individual upon separation under this section shall be paid in accordance with section 2113.04 of the Revised Code, or to the estate. 42269
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(G) The board of education of any school district may contract with the governing board of the educational service center from which it otherwise receives services to conduct searches and recruitment of candidates for assistant superintendent, principal, assistant principal, and other administrator positions authorized under this section. 42281
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Sec. 3319.073. (A) The board of education of each city and exempted village school district and the governing board of each educational service center shall adopt or adapt the curriculum developed by the department of education and workforce for, or shall develop in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. Each person employed by any school district or service center to work in a school as a nurse, 42287
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teacher, counselor, school psychologist, or administrator shall 42297
complete at least four hours of the in-service training within 42298
two years of commencing employment with the district or center, 42299
and every five years thereafter. A person who is employed by any 42300
school district or service center to work in an elementary 42301
school as a nurse, teacher, counselor, school psychologist, or 42302
administrator on March 30, 2007, shall complete at least four 42303
hours of the in-service training not later than March 30, 2009, 42304
and every five years thereafter. A person who is employed by any 42305
school district or service center to work in a middle or high 42306
school as a nurse, teacher, counselor, school psychologist, or 42307
administrator on October 16, 2009, shall complete at least four 42308
hours of the in-service training not later than October 16, 42309
2011, and every five years thereafter. 42310

(B) Each board shall incorporate training in school safety 42311
and violence prevention, including human trafficking content, 42312
into the in-service training required by division (A) of this 42313
section. For this purpose, the board shall adopt or adapt the 42314
curriculum developed by the department or shall develop its own 42315
curriculum in consultation with public or private agencies or 42316
persons involved in school safety and violence prevention 42317
programs. 42318

(C) Each board shall incorporate training on the board's 42319
harassment, intimidation, or bullying policy adopted under 42320
section 3313.666 of the Revised Code into the in-service 42321
training required by division (A) of this section. Each board 42322
also shall incorporate training in the prevention of dating 42323
violence into the in-service training required by that division 42324
for middle and high school employees. The board shall develop 42325
its own curricula for these purposes. 42326

(D) Each board shall incorporate training in youth suicide awareness and prevention into the in-service training required by division (A) of this section for each person employed by a school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator, and any other personnel that the board determines appropriate. The board shall require each such person to undergo training in youth suicide awareness and prevention programs once every two years. For this purpose, the board shall adopt or adapt the curriculum developed by the department under section 3301.221 of the Revised Code or shall develop its own curriculum in consultation with public or private agencies or persons involved in youth suicide awareness and prevention programs.

The training completed under this division shall count toward the satisfaction of requirements for professional development required by the school district or service center board, and the training may be accomplished through self-review of suitable suicide prevention materials approved by the board.

Sec. 3319.074. (A) As used in this section:

(1) "Core subject area" means reading and English language arts, mathematics, science, social studies, foreign language, and fine arts.

(2) "Properly certified or licensed teacher" means a classroom teacher who has successfully completed all requirements for certification or licensure under this chapter applicable to the subject areas and grade levels in which the teacher provides instruction and the students to whom the teacher provides the instruction.

(3) "Properly certified paraprofessional" means a

paraprofessional who holds an educational aide permit issued 42356
under section 3319.088 of the Revised Code and satisfies at 42357
least one of the following conditions: 42358

(a) Has a designation of "ESEA qualified" on the 42359
educational aide permit; 42360

(b) Has successfully completed at least two years of 42361
coursework at an accredited institution of higher education; 42362

(c) Holds an associate degree or higher from an accredited 42363
institution of higher education; 42364

(d) Meets a rigorous standard of quality as demonstrated 42365
by attainment of a qualifying score on an academic assessment 42366
specified by the department of education and workforce. 42367

(B) Beginning July 1, 2019, no city, exempted village, 42368
local, joint vocational, or cooperative education school 42369
district shall do either of the following: 42370

(1) Employ any classroom teacher to provide instruction in 42371
a core subject area to any student, unless such teacher is a 42372
properly certified or licensed teacher; 42373

(2) Employ any paraprofessional in a program supported 42374
with funds received under Title I of the "Elementary and 42375
Secondary Education Act of 1965," 20 U.S.C. 6301 et seq., to 42376
provide academic support in a core subject area to any student, 42377
unless such paraprofessional is a properly certified 42378
paraprofessional. 42379

(C) At the start of each school year, each school district 42380
shall notify the parent or guardian of each student enrolled in 42381
the district that the parent or guardian may request information 42382
on the professional qualifications of each classroom teacher who 42383

provides instruction to the student. The district shall provide 42384
the information on each applicable teacher in a timely manner to 42385
any parent or guardian who requests it. Such information shall 42386
include at least the following: 42387

(1) Whether the teacher has satisfied all requirements for 42388
certification or licensure under this chapter applicable to the 42389
subject areas and grade levels in which the teacher provides 42390
instruction and the students to whom the teacher provides the 42391
instruction, or whether the teacher provides instruction under a 42392
waiver of any such requirements; 42393

(2) Whether a paraprofessional provides any services to 42394
the student and, if so, the qualifications of the 42395
paraprofessional. 42396

Sec. 3319.077. (A) As used in this section: 42397

(1) "Dyslexia" has the same meaning as in section 3323.25 42398
of the Revised Code. 42399

(2) "Ohio dyslexia committee" means the committee 42400
established under section 3325.25 of the Revised Code. 42401

(3) "Special education" has the same meaning as in section 42402
3323.01 of the Revised Code. 42403

(4) "Teacher" does not include any teacher who provides 42404
instruction in fine arts, music, or physical education. 42405

(B) (1) The department of education and workforce, in 42406
collaboration with the Ohio dyslexia committee, shall maintain a 42407
list of training that fulfills the professional development 42408
requirements prescribed in division (C) of this section. The 42409
list may consist of online or classroom learning models. 42410

(2) Each approved training shall align with the guidebook 42411

developed under section 3323.25 of the Revised Code, be 42412
evidence-based, and require instruction and training for 42413
identifying characteristics of dyslexia and understanding the 42414
pedagogy for instructing students with dyslexia. 42415

(3) The Ohio dyslexia committee shall prescribe a total 42416
number of clock hours of instruction in training approved under 42417
this section for a teacher to complete to satisfy the 42418
professional development requirements prescribed in division (C) 42419
of this section. The Ohio dyslexia committee shall prescribe a 42420
total number of clock hours that is not less than six clock 42421
hours and not more than eighteen clock hours. 42422

(C) (1) Not later than the beginning of the 2023-2024 42423
school year, each teacher employed by a local, city, or exempted 42424
village school district who provides instruction for students in 42425
kindergarten and first grade, including those providing special 42426
education instruction, shall complete the number of 42427
instructional hours in approved professional development 42428
training required by the committee under this section. 42429

(2) Not later than the beginning of the 2024-2025 school 42430
year, each teacher employed by a school district who provides 42431
instruction for students in grades two and three, including 42432
those providing special education instruction, shall complete 42433
the number of instructional hours in approved professional 42434
development training required by the committee under this 42435
section. 42436

(3) Not later than the beginning of the 2025-2026 school 42437
year, each teacher employed by a school district who provides 42438
special education instruction for students in grades four 42439
through twelve shall complete a professional development 42440
training approved under division (B) of this section. 42441

(D) Any professional development training completed by a 42442
teacher prior to April 12, 2021, that is then included on the 42443
list of training approved under division (B)(1) of this section 42444
shall count toward the number of instructional hours in approved 42445
professional development training required under division (C) of 42446
this section. 42447

(E) Nothing in this section shall prohibit a school 42448
district from requiring employees who are not subject to this 42449
section from completing professional development training 42450
approved under division (B) of this section. 42451

Sec. 3319.111. Notwithstanding section 3319.09 of the 42452
Revised Code, this section applies to any person who is employed 42453
under a teacher license issued under this chapter, or under a 42454
professional or permanent teacher's certificate issued under 42455
former section 3319.222 of the Revised Code, and who spends at 42456
least fifty per cent of the time employed providing student 42457
instruction. However, this section does not apply to any person 42458
who is employed as a substitute teacher or as an instructor of 42459
adult education. 42460

(A) ~~Not later than July 1, 2020, the~~ The board of 42461
education of each school district, in consultation with teachers 42462
employed by the board, shall update its standards-based teacher 42463
evaluation policy to conform with the framework for evaluation 42464
of teachers adopted under section 3319.112 of the Revised Code. 42465
The policy shall become operative at the expiration of any 42466
collective bargaining agreement covering teachers employed by 42467
the board that is in effect on ~~the effective date of this~~ 42468
~~amendment~~ November 2, 2018, and shall be included in any renewal 42469
or extension of such an agreement. 42470

(B) When using measures of student performance as evidence 42471

in a teacher's evaluation, those measures shall be high-quality 42472
student data. The board of education of each school district may 42473
use data from the assessments on the list developed under 42474
division (B) (2) of section 3319.112 of the Revised Code as high- 42475
quality student data. 42476

(C) (1) The board shall conduct an evaluation of each 42477
teacher employed by the board at least once each school year, 42478
except as provided in division (C) (2) of this section. The 42479
evaluation shall be completed by the first day of May and the 42480
teacher shall receive a written report of the results of the 42481
evaluation by the tenth day of May. 42482

(2) (a) The board may evaluate each teacher who received a 42483
rating of accomplished on the teacher's most recent evaluation 42484
conducted under this section once every three school years, so 42485
long as the teacher submits a self-directed professional growth 42486
plan to the evaluator that focuses on specific areas identified 42487
in the observations and evaluation and the evaluator determines 42488
that the teacher is making progress on that plan. 42489

(b) The board may evaluate each teacher who received a 42490
rating of skilled on the teacher's most recent evaluation 42491
conducted under this section once every two years, so long as 42492
the teacher and evaluator jointly develop a professional growth 42493
plan for the teacher that focuses on specific areas identified 42494
in the observations and evaluation and the evaluator determines 42495
that the teacher is making progress on that plan. 42496

(c) For each teacher who is evaluated pursuant to division 42497
(C) (2) of this section, the evaluation shall be completed by the 42498
first day of May of the applicable school year, and the teacher 42499
shall receive a written report of the results of the evaluation 42500
by the tenth day of May of that school year. 42501

(d) The board may elect not to conduct an evaluation of a teacher who meets one of the following requirements:	42502 42503
(i) The teacher was on leave from the school district for fifty per cent or more of the school year, as calculated by the board.	42504 42505 42506
(ii) The teacher has submitted notice of retirement and that notice has been accepted by the board not later than the first day of December of the school year in which the evaluation is otherwise scheduled to be conducted.	42507 42508 42509 42510
(e) The board may elect not to conduct an evaluation of a teacher who is participating in the teacher residency program established under section 3319.223 of the Revised Code for the year during which that teacher takes, for the first time, at least half of the performance-based assessment prescribed by the state board of education for resident educators.	42511 42512 42513 42514 42515 42516
(3) In any year that a teacher is not formally evaluated pursuant to division (C) of this section as a result of receiving a rating of accomplished or skilled on the teacher's most recent evaluation, an individual qualified to evaluate a teacher under division (D) of this section shall conduct at least one observation of the teacher and hold at least one conference with the teacher. The conference shall include a discussion of progress on the teacher's professional growth plan.	42517 42518 42519 42520 42521 42522 42523 42524 42525
(D) Each evaluation conducted pursuant to this section shall be conducted by one or more of the following persons who hold a credential established by the department <u>state board</u> of education for being an evaluator:	42526 42527 42528 42529
(1) A person who is under contract with the board pursuant	42530

to section 3319.01 or 3319.02 of the Revised Code and holds a 42531
license designated for being a superintendent, assistant 42532
superintendent, or principal issued under section 3319.22 of the 42533
Revised Code; 42534

(2) A person who is under contract with the board pursuant 42535
to section 3319.02 of the Revised Code and holds a license 42536
designated for being a vocational director, administrative 42537
specialist, or supervisor in any educational area issued under 42538
section 3319.22 of the Revised Code; 42539

(3) A person designated to conduct evaluations under an 42540
agreement entered into by the board, including an agreement 42541
providing for peer review entered into by the board and 42542
representatives of teachers employed by the board; 42543

(4) A person who is employed by an entity contracted by 42544
the board to conduct evaluations and who holds a license 42545
designated for being a superintendent, assistant superintendent, 42546
principal, vocational director, administrative specialist, or 42547
supervisor in any educational area issued under section 3319.22 42548
of the Revised Code or is qualified to conduct evaluations. 42549

(E) Notwithstanding division (A) (3) of section 3319.112 of 42550
the Revised Code, the board shall require at least three formal 42551
observations of each teacher who is under consideration for 42552
nonrenewal and with whom the board has entered into a limited 42553
contract or an extended limited contract under section 3319.11 42554
of the Revised Code. 42555

(F) The board shall include in its evaluation policy 42556
procedures for using the evaluation results for retention and 42557
promotion decisions and for removal of poorly performing 42558
teachers. Seniority shall not be the basis for a decision to 42559

retain a teacher, except when making a decision between teachers 42560
who have comparable evaluations. 42561

(G) For purposes of section 3333.0411 of the Revised Code, 42562
the board annually shall report to the ~~department of education~~ 42563
state board the number of teachers for whom an evaluation was 42564
conducted under this section and the number of teachers assigned 42565
each rating prescribed under division (B) (1) of section 3319.112 42566
of the Revised Code, aggregated by the teacher preparation 42567
programs from which and the years in which the teachers 42568
graduated. The ~~department~~ state board shall establish guidelines 42569
for reporting the information required by this division. The 42570
guidelines shall not permit or require that the name of, or any 42571
other personally identifiable information about, any teacher be 42572
reported under this division. 42573

(H) Notwithstanding any provision to the contrary in 42574
Chapter 4117. of the Revised Code, the requirements of this 42575
section prevail over any conflicting provisions of a collective 42576
bargaining agreement entered into on or after ~~the effective date~~ 42577
~~of this amendment~~ November 2, 2018. 42578

Sec. 3319.112. (A) The state board of education shall 42579
revise the standards-based state framework for the evaluation of 42580
teachers based on the recommendations of the educator standards 42581
board established under section 3319.60 of the Revised Code. The 42582
state board shall hold at least one public hearing on the 42583
revised framework and shall make the full text of the revised 42584
framework available at each hearing it holds on the revised 42585
framework. ~~Not later than May 1, 2020, the~~ The state board shall 42586
adopt the revised framework. The state board may update the 42587
framework periodically by adoption of a resolution. The 42588
framework shall establish an evaluation system that does the 42589

following:	42590
(1) Provides for multiple evaluation factors;	42591
(2) Is aligned with the standards for teachers adopted under section 3319.61 of the Revised Code;	42592 42593
(3) Requires observation of the teacher being evaluated, including at least two formal observations by the evaluator of at least thirty minutes each and classroom walk-throughs;	42594 42595 42596
(4) Assigns a rating on each evaluation in accordance with division (B) of this section;	42597 42598
(5) Requires each teacher to be provided with a written report of the results of the teacher's evaluation;	42599 42600
(6) Uses at least two measures of high-quality student data to provide evidence of student learning attributable to the teacher being evaluated. The state board shall define "high- quality student data" for this purpose. When applicable to the grade level or subject area taught by a teacher, high-quality student data shall include the value-added progress dimension established under section 3302.021 of the Revised Code, but the teacher or evaluator shall use at least one other measure of high-quality student data to demonstrate student learning. In accordance with the guidance described in division (D) (3) of this section, high-quality student data may be used as evidence in any component of the evaluation related to the following:	42601 42602 42603 42604 42605 42606 42607 42608 42609 42610 42611 42612
(a) Knowledge of the students to whom the teacher provides instruction;	42613 42614
(b) The teacher's use of differentiated instructional practices based on the needs or abilities of individual students;	42615 42616 42617

(c) Assessment of student learning;	42618
(d) The teacher's use of assessment data;	42619
(e) Professional responsibility and growth.	42620
(7) Prohibits the shared attribution of student	42621
performance data among all teachers in a district, building,	42622
grade, content area, or other group;	42623
(8) Includes development of a professional growth plan or	42624
improvement plan for the teacher that is based on the results of	42625
the evaluation and is aligned to any school district or building	42626
improvement plan required for the teacher's district or building	42627
under the "Elementary and Secondary Education Act of 1965," as	42628
amended by the "Every Student Succeeds Act of 2015," Pub. L. No.	42629
114-95, 20 U.S.C. 6301 et seq.;	42630
(9) Provides for professional development to accelerate	42631
and continue teacher growth and provide support to poorly	42632
performing teachers;	42633
(10) Provides for the allocation of financial resources to	42634
support professional development;	42635
(11) Prohibits the use of student learning objectives.	42636
(B) For purposes of the framework adopted under this	42637
section, the state board also shall do the following:	42638
(1) Revise, as necessary, specific standards and criteria	42639
that distinguish between the following levels of performance for	42640
teachers and principals for the purpose of assigning ratings on	42641
the evaluations conducted under sections 3311.80, 3311.84,	42642
3319.02, and 3319.111 of the Revised Code:	42643
(a) Accomplished;	42644

- (b) Skilled; 42645
- (c) Developing; 42646
- (d) Ineffective. 42647
- (2) Develop a list of student assessments that measure 42648
mastery of the course content for the appropriate grade level, 42649
which may include nationally normed standardized assessments, 42650
industry certification examinations, or end-of-course 42651
examinations. The data from these assessments may be considered 42652
high-quality student data. 42653
- (C) The state board shall consult with experts, teachers 42654
and principals employed in public schools, the educator 42655
standards board, and representatives of stakeholder groups in 42656
revising the standards and criteria required by division (B)(1) 42657
of this section. 42658
- (D) To assist school districts in developing evaluation 42659
policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 42660
of the Revised Code, the ~~department~~ state board shall do all of 42661
the following: 42662
- (1) Serve as a clearinghouse of promising evaluation 42663
procedures and evaluation models that districts may use; 42664
- (2) Provide technical assistance to districts in creating 42665
evaluation policies; 42666
- (3) Provide guidance to districts on how high-quality 42667
student data may be used as evidence of student learning 42668
attributable to a particular teacher, including examples of 42669
appropriate use of that data within the framework adopted under 42670
this section; 42671
- (4) Provide guidance to districts on how information from 42672

student surveys, student portfolios, peer review evaluations, 42673
teacher self-evaluations, and other components determined 42674
appropriate by the district may be used as part of the 42675
evaluation process. 42676

(E) Not later than July 1, 2020, the state board, in 42677
consultation with state agencies that employ teachers, shall 42678
update its standards-based framework for the evaluation of 42679
teachers employed by those agencies. Each state agency that 42680
employs teachers shall adopt a standards-based teacher 42681
evaluation policy to conform with the framework. The policy 42682
shall become operative at the expiration of any collective 42683
bargaining agreement covering teachers employed by the agency 42684
that is in effect ~~on the effective date of this amendment~~ 42685
November 2, 2018, and shall be included in any renewal or 42686
extension of such an agreement. However, this division does not 42687
apply to any person who is employed as a substitute teacher or 42688
as an instructor of adult education. 42689

Sec. 3319.113. (A) ~~Not later than May 31, 2016, the~~ The 42690
state board of education shall develop a standards-based state 42691
framework for the evaluation of school counselors. The state 42692
board may update the framework periodically by adoption of a 42693
resolution. The framework shall establish an evaluation system 42694
that does the following: 42695

(1) Requires school counselors to demonstrate their 42696
ability to produce positive student outcomes using metrics, 42697
including those from the school or school district's report card 42698
issued under section 3302.03 of the Revised Code when 42699
appropriate; 42700

(2) Is aligned with the standards for school counselors 42701
adopted under section 3319.61 of the Revised Code and requires 42702

school counselors to demonstrate their ability in all the areas 42703
identified by those standards; 42704

(3) Requires that all school counselors be evaluated 42705
annually, except as otherwise appropriate for high-performing 42706
school counselors or as specified in division (D) of this 42707
section; 42708

(4) Assigns a rating on each evaluation in accordance with 42709
division (B) of this section; 42710

(5) Designates the personnel that may conduct evaluations 42711
of school counselors in accordance with this framework; 42712

(6) Requires that each school counselor be provided with a 42713
written report of the results of that school counselor's 42714
evaluation; 42715

(7) Provides for professional development to accelerate 42716
and continue school counselor growth and provide support to 42717
poorly performing school counselors. 42718

(B) (1) The state board shall develop specific standards 42719
and criteria that distinguish between the following levels of 42720
performance for school counselors for the purposes of assigning 42721
ratings on the evaluations conducted under this section: 42722

(a) Accomplished; 42723

(b) Skilled; 42724

(c) Developing; 42725

(d) Ineffective. 42726

(2) The state board shall consult with experts, school 42727
counselors and principals employed in public schools, and 42728
representatives of stakeholder groups in developing the 42729

standards and criteria required by division (B) (1) of this section. 42730
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(C) (1) Not later than September 30, 2016, each school district board of education shall adopt a standards-based school counselor evaluation policy that conforms with the framework for the evaluation of school counselors developed under this section. The policy shall become operative at the expiration of any collective bargaining agreement covering school counselors employed by the board that is in effect on September 29, 2015, and shall be included in any renewal or extension of such an agreement. 42732
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(2) A district board shall include both of the following in its evaluation policy: 42741
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(a) The implementation of the framework for the evaluation of school counselors developed under this section beginning in the 2016-2017 school year; 42743
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(b) Procedures for using the evaluation results, beginning in the 2017-2018 school year, for both of the following: 42746
42747

(i) Decisions regarding retention and promotion of school counselors; 42748
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(ii) Removal of poorly performing school counselors. 42750

(D) Beginning with the 2017-2018 school year, a district board may elect not to conduct an evaluation of a school counselor who meets one of the following requirements: 42751
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(1) The school counselor was on leave from the school district for fifty per cent or more of the school year, as calculated by the board. 42754
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(2) The school counselor has submitted notice of 42757

retirement and that notice has been accepted by the board not 42758
later than the first day of December of the school year in which 42759
the evaluation is otherwise scheduled to be conducted. 42760

(E) Each district board shall annually submit a report to 42761
~~the department of education~~ state board, in a form and manner 42762
prescribed by the ~~department~~ state board, regarding its 42763
implementation of division (C) of this section. At no time shall 42764
the ~~department~~ state board permit or require that the name or 42765
personally identifiable information of any school counselor be 42766
reported to the ~~department~~ state board under this division. 42767

(F) Notwithstanding any provision to the contrary in 42768
Chapter 4117. of the Revised Code, the requirements of this 42769
section prevail over any conflicting provision of a collective 42770
bargaining agreement entered into on or after September 29, 42771
2015. 42772

Sec. 3319.143. Notwithstanding section 3319.141 of the 42773
Revised Code, the board of education of a city, exempted 42774
village, local or joint vocational school district may adopt a 42775
policy of assault leave by which an employee who is absent due 42776
to physical disability resulting from an assault which occurs in 42777
the course of board employment will be maintained on full pay 42778
status during the period of such absence. A board of education 42779
electing to effect such a policy of assault leave shall 42780
establish rules for the entitlement, crediting, and use of 42781
assault leave and file a copy of same with the ~~state board~~ 42782
department of education and workforce. A board of education 42783
adopting this policy shall require an employee to furnish a 42784
signed statement on forms prescribed by such board to justify 42785
the use of assault leave. If medical attention is required, a 42786
certificate from a licensed physician stating the nature of the 42787

disability and its duration shall be required before assault 42788
leave can be approved for payment. Falsification of either a 42789
signed statement or a physician's certificate is ground for 42790
suspension or termination of employment under section 3311.82 or 42791
3319.16 of the Revised Code. 42792

Assault leave granted under rules adopted by a board of 42793
education pursuant to this section shall not be charged against 42794
sick leave earned or earnable under section 3319.141 of the 42795
Revised Code or leave granted under rules adopted by a board of 42796
education pursuant to section 3311.77 or 3319.08 of the Revised 42797
Code. This section shall be uniformly administered in those 42798
districts where such policy is adopted. 42799

Sec. 3319.151. (A) As used in this section, "assessment" 42800
means an assessment administered under section 3301.0711 of the 42801
Revised Code. 42802

(B) No person shall do any of the following: 42803

(1) Reveal to any student any specific question that the 42804
person knows is part of an assessment or in any other way assist 42805
a pupil to cheat on an assessment; 42806

(2) Obtain prior knowledge of the contents of an 42807
assessment; 42808

(3) Use prior knowledge of the contents of an assessment 42809
to assist students in preparing for the assessment; 42810

(4) Fail to comply with any rule adopted by the department 42811
of education and workforce regarding security protocols for an 42812
assessment. 42813

(C) On a finding by the state board of education, after 42814
investigation, that a school employee who holds a license, as 42815

defined in section 3319.31 of the Revised Code, has violated 42816
division (B) of this section, the state board shall take any 42817
action against the employee under section 3319.31 of the Revised 42818
Code that it considers appropriate, based on the nature and 42819
extent of the violation. The state board shall give the employee 42820
notice of the allegation upon commencing an investigation and 42821
shall give the employee an opportunity to respond prior to 42822
taking any disciplinary action. 42823

(D) (1) Violation of division (B) of this section is 42824
grounds for termination of employment of a nonteaching employee 42825
under division (C) of section 3319.081 or section 124.34 of the 42826
Revised Code. 42827

(2) Violation of division (B) of this section is grounds 42828
for termination of a teacher contract under section 3311.82 or 42829
3319.16 of the Revised Code. 42830

Sec. 3319.16. The contract of any teacher employed by the 42831
board of education of any city, exempted village, local, county, 42832
or joint vocational school district may not be terminated except 42833
for good and just cause. Notwithstanding any provision to the 42834
contrary in Chapter 4117. of the Revised Code, the provisions of 42835
this section relating to the grounds for termination of the 42836
contract of a teacher prevail over any conflicting provisions of 42837
a collective bargaining agreement entered into after ~~the~~ 42838
~~effective date of this amendment~~ October 16, 2009. 42839

Before terminating any contract, the employing board shall 42840
furnish the teacher a written notice signed by its treasurer of 42841
its intention to consider the termination of the teacher's 42842
contract with full specification of the grounds for such 42843
consideration. The board shall not proceed with formal action to 42844
terminate the contract until after the tenth day after receipt 42845

of the notice by the teacher. Within ten days after receipt of 42846
the notice from the treasurer of the board, the teacher may file 42847
with the treasurer a written demand for a hearing before the 42848
board or before a referee, and the board shall set a time for 42849
the hearing which shall be within thirty days from the date of 42850
receipt of the written demand, and the treasurer shall give the 42851
teacher at least twenty days' notice in writing of the time and 42852
place of the hearing. If a referee is demanded by either the 42853
teacher or board, the treasurer also shall give twenty days' 42854
notice to the ~~superintendent of public instruction~~ department of 42855
education and workforce. No hearing shall be held during the 42856
summer vacation without the teacher's consent. The hearing shall 42857
be private unless the teacher requests a public hearing. The 42858
hearing shall be conducted by a referee appointed pursuant to 42859
section 3319.161 of the Revised Code, if demanded; otherwise, it 42860
shall be conducted by a majority of the members of the board and 42861
shall be confined to the grounds given for the termination. The 42862
board shall provide for a complete stenographic record of the 42863
proceedings, a copy of the record to be furnished to the 42864
teacher. The board may suspend a teacher pending final action to 42865
terminate the teacher's contract if, in its judgment, the 42866
character of the charges warrants such action. 42867

Both parties may be present at such hearing, be 42868
represented by counsel, require witnesses to be under oath, 42869
cross-examine witnesses, take a record of the proceedings, and 42870
require the presence of witnesses in their behalf upon subpoena 42871
to be issued by the treasurer of the board. In case of the 42872
failure of any person to comply with a subpoena, a judge of the 42873
court of common pleas of the county in which the person resides, 42874
upon application of any interested party, shall compel 42875
attendance of the person by attachment proceedings as for 42876

contempt. Any member of the board or the referee may administer 42877
oaths to witnesses. After a hearing by a referee, the referee 42878
shall file a report within ten days after the termination of the 42879
hearing. After consideration of the referee's report, the board, 42880
by a majority vote, may accept or reject the referee's 42881
recommendation on the termination of the teacher's contract. 42882
After a hearing by the board, the board, by majority vote, may 42883
enter its determination upon its minutes. Any order of 42884
termination of a contract shall state the grounds for 42885
termination. If the decision, after hearing, is against 42886
termination of the contract, the charges and the record of the 42887
hearing shall be physically expunged from the minutes, and, if 42888
the teacher has suffered any loss of salary by reason of being 42889
suspended, the teacher shall be paid the teacher's full salary 42890
for the period of such suspension. 42891

Any teacher affected by an order of termination of 42892
contract may appeal to the court of common pleas of the county 42893
in which the school is located within thirty days after receipt 42894
of notice of the entry of such order. The appeal shall be an 42895
original action in the court and shall be commenced by the 42896
filing of a complaint against the board, in which complaint the 42897
facts shall be alleged upon which the teacher relies for a 42898
reversal or modification of such order of termination of 42899
contract. Upon service or waiver of summons in that appeal, the 42900
board immediately shall transmit to the clerk of the court for 42901
filing a transcript of the original papers filed with the board, 42902
a certified copy of the minutes of the board into which the 42903
termination finding was entered, and a certified transcript of 42904
all evidence adduced at the hearing or hearings before the board 42905
or a certified transcript of all evidence adduced at the hearing 42906
or hearings before the referee, whereupon the cause shall be at 42907

issue without further pleading and shall be advanced and heard 42908
without delay. The court shall examine the transcript and record 42909
of the hearing and shall hold such additional hearings as it 42910
considers advisable, at which it may consider other evidence in 42911
addition to the transcript and record. 42912

Upon final hearing, the court shall grant or deny the 42913
relief prayed for in the complaint as may be proper in 42914
accordance with the evidence adduced in the hearing. Such an 42915
action is a special proceeding, and either the teacher or the 42916
board may appeal from the decision of the court of common pleas 42917
pursuant to the Rules of Appellate Procedure and, to the extent 42918
not in conflict with those rules, Chapter 2505. of the Revised 42919
Code. 42920

In any court action, the board may utilize the services of 42921
the prosecuting attorney, village solicitor, city director of 42922
law, or other chief legal officer of a municipal corporation as 42923
authorized by section 3313.35 of the Revised Code, or may employ 42924
other legal counsel. 42925

A violation of division (A) (7) of section 2907.03 of the 42926
Revised Code is grounds for termination of a teacher contract 42927
under this section. 42928

Sec. 3319.161. For the purpose of providing referees for 42929
the hearings required by section 3319.16 of the Revised Code, 42930
the ~~superintendent of public instruction~~ department of education 42931
and workforce shall compile a list of resident electors from 42932
names that the ~~superintendent~~ department shall solicit annually 42933
from the state bar association. 42934

Upon receipt of notice that a referee has been demanded by 42935
a teacher or by a board of education, the ~~superintendent of~~ 42936

~~public instruction department~~ shall immediately designate three 42937
persons from such list, from whom the referee to hear the matter 42938
shall be chosen, and the ~~superintendent department~~ shall 42939
immediately notify the designees, the teacher, and the board of 42940
the school district involved. If within five days of receipt of 42941
the notice, the teacher and board are unable to select a 42942
mutually agreeable designee to serve as referee, the 42943
~~superintendent of public instruction department~~ shall appoint 42944
one of the three designees to serve as referee. The appointment 42945
of the referee shall be entered in the minutes of the board. The 42946
referee appointed shall be paid the referee's usual and 42947
customary fee for attending the hearing which shall be paid from 42948
the school district general fund upon vouchers approved by the 42949
~~superintendent of public instruction department~~ and presented to 42950
the treasurer of the district. No referee shall be a member of, 42951
an employee of, or teacher employed by the board of education 42952
nor related to any such person by consanguinity or marriage. 42953

Sec. 3319.22. (A) (1) The state board of education shall 42954
issue the following educator licenses: 42955

(a) A resident educator license, which shall be valid for 42956
two years and shall be renewable for reasons specified by rules 42957
adopted by the state board pursuant to division (A) (3) of this 42958
section. The state board, on a case-by-case basis, may extend 42959
the license's duration as necessary to enable the license holder 42960
to complete the Ohio teacher residency program established under 42961
section 3319.223 of the Revised Code; 42962

(b) A professional educator license, which shall be valid 42963
for five years and shall be renewable; 42964

(c) A senior professional educator license, which shall be 42965
valid for five years and shall be renewable; 42966

(d) A lead professional educator license, which shall be 42967
valid for five years and shall be renewable. 42968

Licenses issued under division (A)(1) of this section on 42969
and after November 2, 2018, shall specify whether the educator 42970
is licensed to teach grades pre-kindergarten through five, 42971
grades four through nine, or grades seven through twelve. The 42972
changes to the grade band specifications under this amendment 42973
shall not apply to a person who holds a license under division 42974
(A)(1) of this section prior to November 2, 2018. Further, the 42975
changes to the grade band specifications under this amendment 42976
shall not apply to any license issued to teach in the area of 42977
computer information science, bilingual education, dance, drama 42978
or theater, world language, health, library or media, music, 42979
physical education, teaching English to speakers of other 42980
languages, career-technical education, or visual arts or to any 42981
license issued to an intervention specialist, including a gifted 42982
intervention specialist, or to any other license that does not 42983
align to the grade band specifications. 42984

(2) The state board may issue any additional educator 42985
licenses of categories, types, and levels the board elects to 42986
provide. 42987

(3) The state board shall adopt rules establishing the 42988
standards and requirements for obtaining each educator license 42989
issued under this section. The rules shall also include the 42990
reasons for which a resident educator license may be renewed 42991
under division (A)(1)(a) of this section. 42992

(B) The rules adopted under this section shall require at 42993
least the following standards and qualifications for the 42994
educator licenses described in division (A)(1) of this section: 42995

(1) An applicant for a resident educator license shall	42996
hold at least a bachelor's degree from an accredited teacher	42997
preparation program or be a participant in the teach for America	42998
program and meet the qualifications required under section	42999
3319.227 of the Revised Code.	43000
(2) An applicant for a professional educator license	43001
shall:	43002
(a) Hold at least a bachelor's degree from an institution	43003
of higher education accredited by a regional accrediting	43004
organization;	43005
(b) Have successfully completed the Ohio teacher residency	43006
program established under section 3319.223 of the Revised Code,	43007
if the applicant's current or most recently issued license is a	43008
resident educator license issued under this section or an	43009
alternative resident educator license issued under section	43010
3319.26 of the Revised Code.	43011
(3) An applicant for a senior professional educator	43012
license shall:	43013
(a) Hold at least a master's degree from an institution of	43014
higher education accredited by a regional accrediting	43015
organization;	43016
(b) Have previously held a professional educator license	43017
issued under this section or section 3319.222 or under former	43018
section 3319.22 of the Revised Code;	43019
(c) Meet the criteria for the accomplished or	43020
distinguished level of performance, as described in the	43021
standards for teachers adopted by the state board under section	43022
3319.61 of the Revised Code.	43023

- (4) An applicant for a lead professional educator license shall: 43024
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- (a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 43026
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- (b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 43029
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- (c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted ~~by the state board~~ under section 3319.61 of the Revised Code; 43033
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- (d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F) (4) or (5) of section 3319.61 of the Revised Code. 43036
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- (C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 43041
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- (D) If the state board requires any examinations for educator licensure, the ~~department of education state board~~ shall provide the results of such examinations received by the ~~department state board~~ to the chancellor of higher education, in the manner and to the extent permitted by state and federal law. 43045
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- (E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, ~~division (D) of section 3301.07 of the Revised Code,~~ or any other law 43050
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shall be adopted, amended, or rescinded under Chapter 119. of 43053
the Revised Code except as follows: 43054

(1) Notwithstanding division (E) of section 119.03 and 43055
division (A)(1) of section 119.04 of the Revised Code, in the 43056
case of the adoption of any rule or the amendment or rescission 43057
of any rule that necessitates institutions' offering preparation 43058
programs for educators and other school personnel that are 43059
approved by the chancellor of higher education under section 43060
3333.048 of the Revised Code to revise the curriculum of those 43061
programs, the effective date shall not be as prescribed in 43062
division (E) of section 119.03 and division (A)(1) of section 43063
119.04 of the Revised Code. Instead, the effective date of such 43064
rules, or the amendment or rescission of such rules, shall be 43065
the date prescribed by section 3333.048 of the Revised Code. 43066

(2) Notwithstanding the authority to adopt, amend, or 43067
rescind emergency rules in division (G) of section 119.03 of the 43068
Revised Code, this authority shall not apply to the state board 43069
of education with regard to rules for educator licenses. 43070

(F)(1) The rules adopted under this section establishing 43071
standards requiring additional coursework for the renewal of any 43072
educator license shall require a school district and a chartered 43073
nonpublic school to establish local professional development 43074
committees. In a nonpublic school, the chief administrative 43075
officer shall establish the committees in any manner acceptable 43076
to such officer. The committees established under this division 43077
shall determine whether coursework that a district or chartered 43078
nonpublic school teacher proposes to complete meets the 43079
requirement of the rules. The ~~department of education state~~ 43080
board shall provide technical assistance and support to 43081
committees as the committees incorporate the professional 43082

development standards adopted ~~by the state board of education~~ 43083
pursuant to section 3319.61 of the Revised Code into their 43084
review of coursework that is appropriate for license renewal. 43085
The rules shall establish a procedure by which a teacher may 43086
appeal the decision of a local professional development 43087
committee. 43088

(2) In any school district in which there is no exclusive 43089
representative established under Chapter 4117. of the Revised 43090
Code, the professional development committees shall be 43091
established as described in division (F)(2) of this section. 43092

Not later than the effective date of the rules adopted 43093
under this section, the board of education of each school 43094
district shall establish the structure for one or more local 43095
professional development committees to be operated by such 43096
school district. The committee structure so established by a 43097
district board shall remain in effect unless within thirty days 43098
prior to an anniversary of the date upon which the current 43099
committee structure was established, the board provides notice 43100
to all affected district employees that the committee structure 43101
is to be modified. Professional development committees may have 43102
a district-level or building-level scope of operations, and may 43103
be established with regard to particular grade or age levels for 43104
which an educator license is designated. 43105

Each professional development committee shall consist of 43106
at least three classroom teachers employed by the district, one 43107
principal employed by the district, and one other employee of 43108
the district appointed by the district superintendent. For 43109
committees with a building-level scope, the teacher and 43110
principal members shall be assigned to that building, and the 43111
teacher members shall be elected by majority vote of the 43112

classroom teachers assigned to that building. For committees 43113
with a district-level scope, the teacher members shall be 43114
elected by majority vote of the classroom teachers of the 43115
district, and the principal member shall be elected by a 43116
majority vote of the principals of the district, unless there 43117
are two or fewer principals employed by the district, in which 43118
case the one or two principals employed shall serve on the 43119
committee. If a committee has a particular grade or age level 43120
scope, the teacher members shall be licensed to teach such grade 43121
or age levels, and shall be elected by majority vote of the 43122
classroom teachers holding such a license and the principal 43123
shall be elected by all principals serving in buildings where 43124
any such teachers serve. The district superintendent shall 43125
appoint a replacement to fill any vacancy that occurs on a 43126
professional development committee, except in the case of 43127
vacancies among the elected classroom teacher members, which 43128
shall be filled by vote of the remaining members of the 43129
committee so selected. 43130

Terms of office on professional development committees 43131
shall be prescribed by the district board establishing the 43132
committees. The conduct of elections for members of professional 43133
development committees shall be prescribed by the district board 43134
establishing the committees. A professional development 43135
committee may include additional members, except that the 43136
majority of members on each such committee shall be classroom 43137
teachers employed by the district. Any member appointed to fill 43138
a vacancy occurring prior to the expiration date of the term for 43139
which a predecessor was appointed shall hold office as a member 43140
for the remainder of that term. 43141

The initial meeting of any professional development 43142
committee, upon election and appointment of all committee 43143

members, shall be called by a member designated by the district 43144
superintendent. At this initial meeting, the committee shall 43145
select a chairperson and such other officers the committee deems 43146
necessary, and shall adopt rules for the conduct of its 43147
meetings. Thereafter, the committee shall meet at the call of 43148
the chairperson or upon the filing of a petition with the 43149
district superintendent signed by a majority of the committee 43150
members calling for the committee to meet. 43151

(3) In the case of a school district in which an exclusive 43152
representative has been established pursuant to Chapter 4117. of 43153
the Revised Code, professional development committees shall be 43154
established in accordance with any collective bargaining 43155
agreement in effect in the district that includes provisions for 43156
such committees. 43157

If the collective bargaining agreement does not specify a 43158
different method for the selection of teacher members of the 43159
committees, the exclusive representative of the district's 43160
teachers shall select the teacher members. 43161

If the collective bargaining agreement does not specify a 43162
different structure for the committees, the board of education 43163
of the school district shall establish the structure, including 43164
the number of committees and the number of teacher and 43165
administrative members on each committee; the specific 43166
administrative members to be part of each committee; whether the 43167
scope of the committees will be district levels, building 43168
levels, or by type of grade or age levels for which educator 43169
licenses are designated; the lengths of terms for members; the 43170
manner of filling vacancies on the committees; and the frequency 43171
and time and place of meetings. However, in all cases, except as 43172
provided in division (F) (4) of this section, there shall be a 43173

majority of teacher members of any professional development 43174
committee, there shall be at least five total members of any 43175
professional development committee, and the exclusive 43176
representative shall designate replacement members in the case 43177
of vacancies among teacher members, unless the collective 43178
bargaining agreement specifies a different method of selecting 43179
such replacements. 43180

(4) Whenever an administrator's coursework plan is being 43181
discussed or voted upon, the local professional development 43182
committee shall, at the request of one of its administrative 43183
members, cause a majority of the committee to consist of 43184
administrative members by reducing the number of teacher members 43185
voting on the plan. 43186

(G) (1) The department of education and workforce, 43187
educational service centers, county boards of developmental 43188
disabilities, college and university departments of education, 43189
head start programs, and the Ohio education computer network may 43190
establish local professional development committees to determine 43191
whether the coursework proposed by their employees who are 43192
licensed or certificated under this section or section 3319.222 43193
of the Revised Code, or under the former version of either 43194
section as it existed prior to October 16, 2009, meet the 43195
requirements of the rules adopted under this section. They may 43196
establish local professional development committees on their own 43197
or in collaboration with a school district or other agency 43198
having authority to establish them. 43199

Local professional development committees established by 43200
county boards of developmental disabilities shall be structured 43201
in a manner comparable to the structures prescribed for school 43202
districts in divisions (F) (2) and (3) of this section, as shall 43203

the committees established by any other entity specified in 43204
division (G)(1) of this section that provides educational 43205
services by employing or contracting for services of classroom 43206
teachers licensed or certificated under this section or section 43207
3319.222 of the Revised Code, or under the former version of 43208
either section as it existed prior to October 16, 2009. All 43209
other entities specified in division (G)(1) of this section 43210
shall structure their committees in accordance with guidelines 43211
which shall be issued by the ~~state board~~department. 43212

(2) Educational service centers may establish local 43213
professional development committees to serve educators who are 43214
not employed in schools in this state, including pupil services 43215
personnel who are licensed under this section. Local 43216
professional development committees shall be structured in a 43217
manner comparable to the structures prescribed for school 43218
districts in divisions (F)(2) and (3) of this section. 43219

These committees may agree to review the coursework, 43220
continuing education units, or other equivalent activities 43221
related to classroom teaching or the area of licensure that is 43222
proposed by an individual who satisfies both of the following 43223
conditions: 43224

(a) The individual is licensed or certificated under this 43225
section or under the former version of this section as it 43226
existed prior to October 16, 2009. 43227

(b) The individual is not currently employed as an 43228
educator or is not currently employed by an entity that operates 43229
a local professional development committee under this section. 43230

Any committee that agrees to work with such an individual 43231
shall work to determine whether the proposed coursework, 43232

continuing education units, or other equivalent activities meet 43233
the requirements of the rules adopted by the state board under 43234
this section. 43235

(3) Any public agency that is not specified in division 43236
(G) (1) or (2) of this section but provides educational services 43237
and employs or contracts for services of classroom teachers 43238
licensed or certificated under this section or section 3319.222 43239
of the Revised Code, or under the former version of either 43240
section as it existed prior to October 16, 2009, may establish a 43241
local professional development committee, subject to the 43242
approval of the department of education and workforce. The 43243
committee shall be structured in accordance with guidelines 43244
issued by the ~~state board~~department. 43245

(H) Not later than July 1, 2016, the state board, in 43246
accordance with Chapter 119. of the Revised Code, shall adopt 43247
rules pursuant to division (A) (3) of this section that do both 43248
of the following: 43249

(1) Exempt consistently high-performing teachers from the 43250
requirement to complete any additional coursework for the 43251
renewal of an educator license issued under this section or 43252
section 3319.26 of the Revised Code. The rules also shall 43253
specify that such teachers are exempt from any requirements 43254
prescribed by professional development committees established 43255
under divisions (F) and (G) of this section. 43256

(2) For purposes of division (H) (1) of this section, the 43257
state board shall define the term "consistently high-performing 43258
teacher." 43259

Sec. 3319.221. (A) The state board of education, the 43260
department of education and workforce, any city, local, exempted 43261

village, and joint vocational school district board of 43262
education, and any other public school, as defined in section 43263
3301.0711 of the Revised Code, shall not require a separate 43264
pupil services license issued by the state board as a credential 43265
for working in a public school, on either a permanent basis or a 43266
substitute or other temporary basis, for the following licensed 43267
professionals: 43268

(1) A speech-language pathologist who holds a currently 43269
valid license issued under Chapter 4753. of the Revised Code; 43270

(2) An audiologist who holds a currently valid license 43271
issued under Chapter 4753. of the Revised Code; 43272

(3) A registered nurse who holds a bachelor's degree and a 43273
currently valid license issued under Chapter 4723. of the 43274
Revised Code; 43275

(4) A physical therapist who holds a currently valid 43276
license issued under Chapter 4755. of the Revised Code; 43277

(5) An occupational therapist who holds a currently valid 43278
license issued under Chapter 4755. of the Revised Code; 43279

(6) A physical therapy assistant who holds a currently 43280
valid license issued under Chapter 4755. of the Revised Code; 43281

(7) An occupational therapy assistant who holds a 43282
currently valid license issued under Chapter 4755. of the 43283
Revised Code; 43284

(8) A social worker who holds a currently valid license 43285
issued under Chapter 4757. of the Revised Code. 43286

(B) A person employed by a school district or school for 43287
any of the occupations listed in divisions (A) (1) to (8) of this 43288
section shall be required to apply for and receive a 43289

registration from the ~~department~~ state board of education. The 43290
registration shall be valid for five years. As a condition of 43291
registration under this section, an individual shall be subject 43292
to a criminal records check as prescribed by section 3319.391 of 43293
the Revised Code. In the manner prescribed by the ~~department~~ 43294
state board, the individual shall submit the criminal records 43295
check to the ~~department~~ state board. The ~~department~~ state board 43296
shall use the information submitted to enroll the individual in 43297
the retained applicant fingerprint database, established under 43298
section 109.5721 of the Revised Code, in the same manner as any 43299
teacher licensed under sections 3319.22 to 3319.31 of the 43300
Revised Code. 43301

If the ~~department~~ state board receives notification of the 43302
arrest or conviction of an individual registered under division 43303
(B) of this section, the ~~department~~ state board shall promptly 43304
notify the employing district and may take any action authorized 43305
under sections 3319.31 and 3319.311 of the Revised Code that it 43306
considers appropriate. No district shall employ any individual 43307
under division (A) of this section if the district learns that 43308
the individual has plead guilty to, has been found guilty by a 43309
jury or court of, or has been convicted of any of the offenses 43310
listed in division (C) of section 3319.31 of the Revised Code. 43311

(C) The ~~department~~ state board shall charge a registration 43312
fee of one hundred fifty dollars each for the initial 43313
registration and one hundred fifty dollars for renewal of the 43314
registration. 43315

Sec. 3319.224. Notwithstanding section 3319.30 of the 43316
Revised Code, a school district or educational service center 43317
may contract with a provider licensed under Chapter 4753. of the 43318
Revised Code for speech and language services or for audiology 43319

services. The contracted services shall be retained only after 43320
the district or service center has demonstrated to the 43321
department of education and workforce that attempts to obtain 43322
the services of a speech and language or audiology provider 43323
licensed under this chapter have been unsuccessful. 43324

Sec. 3319.228. (A) This section applies only to a person 43325
who meets the following conditions: 43326

(1) Holds a minimum of a baccalaureate degree; 43327

(2) Has been licensed and employed as a teacher in another 43328
state for each of the preceding five years; 43329

(3) Was initially licensed as a teacher in any state 43330
within the preceding fifteen years; 43331

(4) Has not had a teacher's license suspended or revoked 43332
in any state. 43333

(B) (1) Not later than July 1, 2012, the superintendent of 43334
public instruction shall develop a list of states that the 43335
superintendent considers to have standards for teacher licensure 43336
that are inadequate to ensure that a person to whom this section 43337
applies and who was most recently licensed to teach in that 43338
state is qualified for a professional educator license issued 43339
under section 3319.22 of the Revised Code. 43340

(2) Following development of the list, the superintendent 43341
shall establish a panel of experts to evaluate the adequacy of 43342
the teacher licensure standards of each state on the list. Each 43343
person selected by the superintendent to be a member of the 43344
panel shall be approved by the state board of education. In 43345
evaluating the superintendent's list, the panel shall provide an 43346
opportunity for representatives of the department of education, 43347
or similar state-level agency, of each state on the list to 43348

provide evidence to refute the state's placement on the list. 43349

Not later than April 1, 2013, the panel shall recommend to 43350
the state board that the list be approved without changes or 43351
that specified states be removed from the list prior to 43352
approval. Not later than July 1, 2013, the state board shall 43353
approve a final list of states with standards for teacher 43354
licensure that are inadequate to ensure that a person to whom 43355
this section applies and who was most recently licensed to teach 43356
in that state is qualified for a professional educator license 43357
issued under section 3319.22 of the Revised Code. 43358

(C) Except as otherwise provided in division (E) (1) of 43359
this section, until the date on which the state board approves a 43360
final list of states with inadequate teacher licensure standards 43361
under division (B) (2) of this section, the state board shall 43362
issue a one-year provisional educator license to any applicant 43363
to whom this section applies. On and after that date, neither 43364
the state board nor the department of education and workforce 43365
shall be party to any reciprocity agreement with a state on that 43366
list that requires the state board to issue a person to whom 43367
this section applies any type of professional educator license 43368
on the basis of the person's licensure and teaching experience 43369
in that state. 43370

(D) Upon the expiration of a provisional license issued to 43371
a person under division (C) of this section, the state board 43372
shall issue the person a professional educator license, if the 43373
person satisfies either of the following conditions: 43374

(1) The person was issued the provisional license prior to 43375
the development of the list by the state superintendent under 43376
division (B) (1) of this section and, prior to issuance of the 43377
provisional license, the person was most recently licensed to 43378

teach by a state not on the superintendent's list or, if the 43379
final list of states with inadequate teacher licensure standards 43380
has been approved by the state board under division (B) (2) of 43381
this section, by a state not on that list. 43382

(2) All of the following apply to the person: 43383

(a) Prior to obtaining the provisional license, the person 43384
was most recently licensed to teach by a state on the 43385
superintendent's list or, if the final list of states with 43386
inadequate teacher licensure standards has been approved by the 43387
state board under division (B) (2) of this section, by a state on 43388
that list. 43389

(b) The person was employed under the provisional license 43390
by a school district; community school established under Chapter 43391
3314. of the Revised Code; science, technology, engineering, and 43392
mathematics school established under Chapter 3326. of the 43393
Revised Code; or an entity contracted by such a district or 43394
school to provide internet- or computer-based instruction or 43395
distance learning programs to students. 43396

(c) The district or school certifies to the state board 43397
that the person's teaching was satisfactory while employed or 43398
contracted by the district or school. 43399

(E) (1) From July 1, 2012, until the date on which the 43400
state board approves a final list of states with inadequate 43401
teacher licensure standards under division (B) (2) of this 43402
section, the state board shall issue a professional educator 43403
license to any applicant to whom this section applies and who 43404
was most recently licensed to teach by a state that is not on 43405
the list developed by the state superintendent under division 43406
(B) (1) of this section. 43407

(2) Beginning on the date on which the state board 43408
approves a final list of states with inadequate teacher 43409
licensure standards under division (B) (2) of this section, the 43410
state board shall issue a professional educator license to any 43411
applicant to whom this section applies and who was most recently 43412
licensed to teach by a state that is not on that list. 43413

Sec. 3319.229. (A) (1) Notwithstanding the repeal of former 43414
section 3319.229 of the Revised Code by S.B. 216 of the 132nd 43415
general assembly, the state board of education shall accept 43416
applications for new, and for renewal of, professional career- 43417
technical teaching licenses through June 30, 2019, and issue 43418
them on the basis of the applications received by that date in 43419
accordance with the rules described in that former section. 43420
Except as otherwise provided in divisions (A) (2) and (3) of this 43421
section, beginning July 1, 2019, the state board shall issue 43422
career-technical workforce development educator licenses only 43423
under this section. 43424

(2) An individual who, on July 1, 2019, holds a 43425
professional career-technical teaching license issued under the 43426
rules described in former section 3319.229 of the Revised Code, 43427
may continue to renew that license in accordance with those 43428
rules for the remainder of the individual's teaching career. 43429
However, nothing in this division shall be construed to prohibit 43430
the individual from applying to the state board for a career- 43431
technical workforce development educator license under this 43432
section. 43433

(3) An individual who, on July 1, 2019, holds an 43434
alternative resident educator license for teaching career- 43435
technical education issued under section 3319.26 of the Revised 43436
Code may, upon the expiration of the license, apply for a 43437

professional career-technical teaching license issued under the 43438
rules described in former section 3319.229 of the Revised Code. 43439
Such an individual may continue to renew the professional 43440
license in accordance with those rules for the remainder of the 43441
individual's teaching career. However, nothing in this division 43442
shall be construed to prohibit the individual from applying to 43443
the state board for a career-technical workforce development 43444
educator license under this section. 43445

(B) The state board, in collaboration with the chancellor 43446
of higher education, shall adopt rules establishing standards 43447
and requirements for obtaining a two-year initial career- 43448
technical workforce development educator license and a five-year 43449
advanced career-technical workforce development educator 43450
license. Each license shall be valid for teaching career- 43451
technical education or workforce development programs in grades 43452
four through twelve. The rules shall require applicants for 43453
either license to have a high school diploma or a certificate of 43454
high school equivalence as awarded under section 3301.80 of the 43455
Revised Code or as recognized as the equivalent of such 43456
certificate under division (C) of that section. 43457

(C) (1) The state board shall issue an initial career- 43458
technical workforce development educator license to an applicant 43459
upon request from the superintendent of a school district that 43460
has agreed to employ the applicant. In making the request, the 43461
superintendent shall provide documentation, in accordance with 43462
procedures prescribed by the ~~department of education~~ state 43463
board, showing that the applicant has at least five years of 43464
work experience, or the equivalent, in the subject area in which 43465
the applicant will teach. The license shall be valid for 43466
teaching only in the requesting district. The superintendent 43467
also shall provide documentation, in accordance with procedures 43468

prescribed by the ~~department~~ state board, that the applicant is 43469
enrolled in a career-technical workforce development educator 43470
preparation program offered by an institution of higher 43471
education that has an existing teacher preparatory program in 43472
place that meets all of the following criteria: 43473

(a) Is approved by the chancellor of higher education to 43474
provide instruction in teaching methods and principles; 43475

(b) Provides classroom support to the license holder; 43476

(c) Includes at least three semester hours of coursework 43477
in the teaching of reading in the subject area; 43478

(d) Is aligned with career-technical education and 43479
workforce development competencies developed by the department; 43480

(e) Uses a summative performance-based assessment 43481
developed by the program and aligned to the competencies 43482
described in division (C) (1) (d) of this section to evaluate the 43483
license holder's knowledge and skills; 43484

(f) Consists of not less than twenty-four semester hours 43485
of coursework, or the equivalent. 43486

(2) As a condition of continuing to hold the initial 43487
career-technical workforce development license, the holder of 43488
the license shall be participating in a career-technical 43489
workforce development educator preparation program described in 43490
division (C) (1) of this section. 43491

(3) The state board shall renew an initial career- 43492
technical workforce development educator license if the 43493
supervisor of the program described in division (C) (1) of this 43494
section and the superintendent of the employing school district 43495
indicate that the applicant is making sufficient progress in 43496

both the program and the teaching position. 43497

(D) The state board shall issue an advanced career- 43498
technical workforce development educator license to an applicant 43499
who has successfully completed the program described in division 43500
(C) (1) of this section, as indicated by the supervisor of the 43501
program, and who demonstrates mastery of the applicable career- 43502
technical education and workforce development competencies 43503
described in division (C) (1) (d) of this section in the teaching 43504
position, as indicated by the superintendent of the employing 43505
school district. 43506

(E) The holder of an advanced career-technical workforce 43507
development educator license shall work with a local 43508
professional development committee established under section 43509
3319.22 of the Revised Code in meeting requirements for renewal 43510
of the license. 43511

(F) Notwithstanding the provisions of section 3319.226 of 43512
the Revised Code, the state board shall not require any 43513
applicant for an educator license for substitute teaching who 43514
holds a license issued under this section to hold a post- 43515
secondary degree in order to be issued a license under section 43516
3319.226 of the Revised Code to work as a substitute teacher for 43517
career-technical education classes. 43518

Sec. 3319.231. As used in this section, "community 43519
service" has the same meaning as in section 3313.605 of the 43520
Revised Code. 43521

The ~~state board~~ department of education and workforce 43522
shall adopt rules establishing qualifications for the teaching 43523
of community service education for high school credit under 43524
division (C) of section 3313.605 of the Revised Code. In 43525

addition, the ~~board~~department shall provide technical 43526
assistance to school districts providing community service 43527
instructional programs for teachers. 43528

Sec. 3319.234. The teacher quality partnership, a 43529
consortium of teacher preparation programs that have been 43530
approved by the chancellor of ~~the Ohio board of regents~~higher 43531
education under section 3333.048 of the Revised Code, shall 43532
study the relationship of teacher performance on educator 43533
licensure assessments, as adopted by the state board of 43534
education under section 3319.22 of the Revised Code, to teacher 43535
effectiveness in the classroom. Not later than September 1, 43536
2008, the partnership shall begin submitting annual data reports 43537
along with any other data on teacher effectiveness the 43538
partnership determines appropriate to the governor, the 43539
president and minority leader of the senate, the speaker and 43540
minority leader of the house of representatives, the 43541
chairpersons and ranking minority members of the standing 43542
committees of the senate and the house of representatives that 43543
consider education legislation, the ~~superintendent of public~~ 43544
~~instruction, the state board of education, and the chancellor of~~ 43545
~~the Ohio board of regents.~~ 43546

Sec. 3319.235. (A) The standards for the preparation of 43547
teachers adopted under section 3333.048 of the Revised Code 43548
shall require any institution that provides a course of study 43549
for the training of teachers to ensure that graduates of such 43550
course of study are skilled at integrating educational 43551
technology in the instruction of children, as evidenced by the 43552
graduate having either demonstrated proficiency in such skills 43553
in a manner prescribed by the department of education and 43554
workforce or completed a course that includes training in such 43555
skills. 43556

(B) The chancellor of ~~the Ohio board of regents, higher~~ education, in consultation with the department of education and workforce, shall establish model professional development programs to assist teachers who completed their teacher preparation prior to the effective date of division (A) of this section to become skilled at integrating educational technology in the instruction of children. The chancellor shall provide technical assistance to school districts wishing to establish such programs.

Sec. 3319.236. (A) Except as provided in division (B) of this section, a school district shall require an individual to hold a valid educator license in computer science, or have a license endorsement in computer technology and a passing score on a content examination in the area of computer science, to teach computer science courses.

(B) A school district may employ an individual, for the purpose of teaching computer science courses, who holds a valid educator license in any of grades kindergarten through twelve, provided the individual meets the requirements established by rules of the state board of education to qualify for a supplemental teaching license for teaching computer science. The rules shall require an applicant for a supplemental teaching license to pass a content examination in the area of computer science. The rules also shall permit an individual, after at least two years of successfully teaching computer science courses under the supplemental teaching license, to advance to a standard educator license in computer science by completing a pedagogy course applicable to the grade levels in which the individual is teaching. However, the rules may exempt an individual teaching computer science from the requirement to complete a pedagogy course if the individual previously

completed a pedagogy course applicable to the grade levels in 43588
which the individual is teaching. 43589

(C) In order for an individual to teach advanced placement 43590
computer science courses, a school district shall require the 43591
individual to also complete a professional development program 43592
endorsed or provided by the organization that creates and 43593
administers national advanced placement examinations. For this 43594
purpose, the individual may complete the program at any time 43595
during the calendar year. 43596

(D) Notwithstanding section 3301.012 of the Revised Code, 43597
as used in this section, "computer science courses" means any 43598
courses that are reported in the education management 43599
information system established under section 3301.0714 of the 43600
Revised Code as computer science courses and which are aligned 43601
to computer science standards adopted by the ~~state board~~ 43602
department of education and workforce. 43603

Sec. 3319.25. Any teacher performance assessment entity 43604
with which the department of education and workforce or the 43605
state board of education contracts or any independent agent with 43606
whom such entity, the department, or the state board contracts 43607
to provide services as a teacher performance assessor, trainer 43608
of assessors, or assessment coordinator is not liable for 43609
damages in a civil action concerning the actions of such entity 43610
or agent made in the conduct of a teacher performance assessment 43611
unless those actions were conducted with malicious purpose, in 43612
bad faith, or in a wanton or reckless manner. 43613

As used in this section, "teacher performance assessment" 43614
means an assessment prescribed by the state board of education 43615
to measure the classroom performance of a teacher who is a 43616
candidate for licensure based on observations conducted by a 43617

trained assessor while the teacher is engaged in actual 43618
classroom instruction. 43619

Sec. 3319.262. (A) Notwithstanding any other provision of 43620
the Revised Code or any rule adopted by the state board of 43621
education to the contrary, the state board shall adopt rules 43622
establishing standards and requirements for obtaining a 43623
nonrenewable four-year initial early college high school 43624
educator license for teaching grades seven through twelve at an 43625
early college high school described in section 3313.6013 of the 43626
Revised Code to any applicant who meets the following 43627
conditions: 43628

(1) Has a graduate or terminal degree from an accredited 43629
institution of higher education in a field related to the 43630
subject area to be taught, as determined by the ~~department of~~ 43631
education state board; 43632

(2) Has obtained a passing score on an examination in the 43633
subject area to be taught, as prescribed by the state board; 43634

(3) Has experience teaching students at any grade level, 43635
including post-secondary students; 43636

(4) Has proof that an early college high school intends to 43637
employ the applicant pending a valid license under this section. 43638

An individual licensed under this section shall be subject 43639
to sections 3319.291 and 3319.39 of the Revised Code. An initial 43640
educator license issued under division (A) of this section shall 43641
be valid for teaching only at the employing school described in 43642
division (A) (4) of this section. 43643

(B) After four years of teaching under an initial early 43644
college high school educator license issued under this section, 43645
an individual may apply for a renewable five-year professional 43646

educator license in the same subject area named in the initial 43647
license. The state board shall issue the applicant a 43648
professional educator license if the applicant attains a passing 43649
score on an assessment of professional knowledge prescribed by 43650
the state board. Nothing in division (B) of this section shall 43651
be construed to prohibit an individual from applying for a 43652
professional ~~education~~ educator license under section 3319.22 of 43653
the Revised Code. 43654

~~Sec. 3319.263. Beginning on the first day of July~~ 43655
~~succeeding the effective date of this section and for only five~~ 43656
~~years thereafter~~ Until July 1, 2028, notwithstanding anything to 43657
the contrary in section 3319.26 of the Revised Code or any rule 43658
of the state board of education adopted under that section, the 43659
state board ~~and the department of education~~ shall not limit the 43660
subject areas for which an individual may receive an alternative 43661
resident educator license issued under that section. 43662

Sec. 3319.28. (A) As used in this section, "STEM school" 43663
means a science, technology, engineering, and mathematics school 43664
established under Chapter 3326. of the Revised Code. 43665

(B) Notwithstanding any other provision of the Revised 43666
Code or any rule adopted by the state board of education to the 43667
contrary, the state board shall issue a two-year provisional 43668
educator license for teaching science, technology, engineering, 43669
or mathematics in grades six through twelve in a STEM school to 43670
any applicant who meets the following conditions: 43671

(1) Holds a bachelor's degree from an accredited 43672
institution of higher education in a field related to the 43673
subject area to be taught; 43674

(2) Has passed an examination prescribed by the state 43675

board in the subject area to be taught. 43676

(C) The holder of a provisional educator license issued 43677
under this section shall complete a structured apprenticeship 43678
program provided by an educational service center or a teacher 43679
preparation program approved under section 3333.048 of the 43680
Revised Code, in partnership with the STEM school that employs 43681
the license holder. The apprenticeship program shall include the 43682
following: 43683

(1) Mentoring by a teacher or administrator who regularly 43684
observes the license holder's classroom instruction, provides 43685
feedback on the license holder's teaching strategies and 43686
classroom management, and engages the license holder in 43687
discussions about methods for fostering and measuring student 43688
learning; 43689

(2) Regularly scheduled seminars or meetings that address 43690
the following topics: 43691

(a) The statewide academic standards adopted ~~by the state~~ 43692
~~board~~ under section 3301.079 of the Revised Code and the 43693
importance of aligning curriculum with those standards; 43694

(b) The achievement assessments prescribed by section 43695
3301.0710 of the Revised Code; 43696

(c) The school district and building accountability system 43697
established under Chapter 3302. of the Revised Code; 43698

(d) Instructional methods and strategies; 43699

(e) Student development; 43700

(f) Assessing student progress and providing remediation 43701
and intervention, as necessary, to meet students' special needs; 43702

(g) Classroom management and record keeping.	43703
(D) After two years of teaching under a provisional educator license issued under this section, a person may apply for a five-year professional educator license in the same subject area named in the provisional license. The state board shall issue the applicant a professional educator license if the applicant meets the following conditions:	43704 43705 43706 43707 43708 43709
(1) The applicant completed the apprenticeship program described in division (C) of this section.	43710 43711
(2) The applicant receives a positive recommendation indicating that the applicant is an effective teacher from both of the following:	43712 43713 43714
(a) The chief administrative officer of the STEM school that most recently employed the applicant as a classroom teacher;	43715 43716 43717
(b) The educational service center or teacher preparation program administrator in charge of the apprenticeship program completed by the applicant.	43718 43719 43720
(3) The applicant meets all other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.	43721 43722 43723
(E) The department of education <u>state board</u> shall evaluate the experiences of STEM schools with classroom teachers holding provisional educator licenses issued under this section. The evaluation shall cover the first two school years for which licenses are issued and shall consider at least the schools' satisfaction with the teachers and the operation of the apprenticeship programs.	43724 43725 43726 43727 43728 43729 43730

Sec. 3319.291. (A) The state board of education shall 43731
require each of the following persons, at the times prescribed 43732
by division (A) of this section, to undergo a criminal records 43733
check, unless the person has undergone a records check under 43734
this section or a former version of this section less than five 43735
years prior to that time. 43736

(1) Any person initially applying for any certificate, 43737
license, or permit described in this chapter or in division (B) 43738
of section 3301.071 or in section 3301.074 of the Revised Code 43739
at the time that application is made; 43740

(2) Any person applying for renewal of any certificate, 43741
license, or permit described in division (A)(1) of this section 43742
at the time that application is made; 43743

(3) Any person who is teaching under a professional 43744
teaching certificate issued under former section 3319.222 of the 43745
Revised Code upon a date prescribed by the state board; 43746

(4) Any person who is teaching under a permanent teaching 43747
certificate issued under former section 3319.22 as it existed 43748
prior to October 29, 1996, or under former section 3319.222 of 43749
the Revised Code upon a date prescribed by the state board and 43750
every five years thereafter. 43751

(B)(1) Except as otherwise provided in division (B)(2) of 43752
this section, the state board shall require each person subject 43753
to a criminal records check under this section to submit two 43754
complete sets of fingerprints and written permission that 43755
authorizes the superintendent of public instruction to forward 43756
the fingerprints to the bureau of criminal identification and 43757
investigation pursuant to division (F) of section 109.57 of the 43758
Revised Code and that authorizes that bureau to forward the 43759

fingerprints to the federal bureau of investigation for purposes 43760
of obtaining any criminal records that the federal bureau 43761
maintains on the person. 43762

(2) If both of the following conditions apply to a person 43763
subject to a criminal records check under this section, the 43764
state board shall require the person to submit one complete set 43765
of fingerprints and written permission that authorizes the 43766
superintendent of public instruction to forward the fingerprints 43767
to the bureau of criminal identification and investigation so 43768
that bureau may forward the fingerprints to the federal bureau 43769
of investigation for purposes of obtaining any criminal records 43770
that the federal bureau maintains on the person: 43771

(a) Under this section or any former version of this 43772
section, the state board or the superintendent of public 43773
instruction previously requested the superintendent of the 43774
bureau of criminal identification and investigation to determine 43775
whether the bureau has any information, gathered pursuant to 43776
division (A) of section 109.57 of the Revised Code, on the 43777
person. 43778

(b) The person presents proof that the person has been a 43779
resident of this state for the five-year period immediately 43780
prior to the date upon which the person becomes subject to a 43781
criminal records check under this section. 43782

(C) Except as provided in division (D) of this section, 43783
prior to issuing or renewing any certificate, license, or permit 43784
for a person described in division (A) (1) or (2) of this section 43785
who is subject to a criminal records check and in the case of a 43786
person described in division (A) (3) or (4) of this section who 43787
is subject to a criminal records check, the state board or the 43788
superintendent of public instruction shall do one of the 43789

following: 43790

(1) If the person is required to submit fingerprints and 43791
written permission under division (B) (1) of this section, 43792
request the superintendent of the bureau of criminal 43793
identification and investigation to determine whether the bureau 43794
has any information, gathered pursuant to division (A) of 43795
section 109.57 of the Revised Code, pertaining to the person and 43796
to obtain any criminal records that the federal bureau of 43797
investigation has on the person. 43798

(2) If the person is required to submit fingerprints and 43799
written permission under division (B) (2) of this section, 43800
request the superintendent of the bureau of criminal 43801
identification and investigation to obtain any criminal records 43802
that the federal bureau of investigation has on the person. 43803

(D) The state board or the superintendent of public 43804
instruction may choose not to request any information about a 43805
person required by division (C) of this section if the person 43806
provides proof that a criminal records check that satisfies the 43807
requirements of that division was conducted on the person as a 43808
condition of employment pursuant to section 3319.39 of the 43809
Revised Code within the immediately preceding year. The state 43810
board or the superintendent of public instruction _may accept a 43811
certified copy of records that were issued by the bureau of 43812
criminal identification and investigation and that are presented 43813
by the person in lieu of requesting that information under 43814
division (C) of this section if the records were issued by the 43815
bureau within the immediately preceding year. 43816

(E) (1) If a person described in division (A) (3) or (4) of 43817
this section who is subject to a criminal records check fails to 43818
submit fingerprints and written permission by the date specified 43819

in the applicable division, and the state board or the 43820
superintendent of public instruction does not apply division (D) 43821
of this section to the person, or if a person who is subject to 43822
division (G) of this section fails to submit fingerprints and 43823
written permission by the date prescribed under that division, 43824
the superintendent shall prepare a written notice stating that 43825
if the person does not submit the fingerprints and written 43826
permission within fifteen days after the date the notice was 43827
mailed, the person's application will be rejected or the 43828
person's professional or permanent teaching certificate or 43829
license will be inactivated. The superintendent shall send the 43830
notification by regular mail to the person's last known 43831
residence address or last known place of employment, as 43832
indicated in the ~~department of education's~~ state board's 43833
records, or both. 43834

If the person fails to submit the fingerprints and written 43835
permission within fifteen days after the date the notice was 43836
mailed, the superintendent of public instruction, on behalf of 43837
the state board, shall issue a written order rejecting the 43838
application or inactivating the person's professional or 43839
permanent teaching certificate or license. The rejection or 43840
inactivation shall remain in effect until the person submits the 43841
fingerprints and written permission. The superintendent shall 43842
send the order by regular mail to the person's last known 43843
residence address or last known place of employment, as 43844
indicated in the ~~department's~~ state board's records, or both. 43845
The order shall state the reason for the rejection or 43846
inactivation and shall explain that the rejection or 43847
inactivation remains in effect until the person submits the 43848
fingerprints and written permission. 43849

The rejection or inactivation of a professional or 43850

permanent teaching certificate or license under division (E) (1) 43851
of this section does not constitute a suspension or revocation 43852
of the certificate or license by the state board under section 43853
3319.31 of the Revised Code and the state board and the 43854
superintendent of public instruction need not provide the person 43855
with an opportunity for a hearing with respect to the rejection 43856
or inactivation. 43857

(2) If a person whose professional or permanent teaching 43858
certificate or license has been rejected or inactivated under 43859
division (E) (1) of this section submits fingerprints and written 43860
permission as required by division (B) or (G) of this section, 43861
the superintendent of public instruction, on behalf of the state 43862
board, shall issue a written order issuing or reactivating the 43863
certificate or license. The superintendent shall send the order 43864
to the person by regular mail. 43865

(F) Notwithstanding divisions (A) to (C) of this section, 43866
if a person holds more than one certificate, license, or permit 43867
described in division (A) (1) of this section, the following 43868
shall apply: 43869

(1) If the certificates, licenses, or permits are of 43870
different durations, the person shall be subject to divisions 43871
(A) to (C) of this section only when applying for renewal of the 43872
certificate, license, or permit that is of the longest duration. 43873
Prior to renewing any certificate, license, or permit with a 43874
shorter duration, the state board or the superintendent of 43875
public instruction shall determine whether the ~~department of~~ 43876
~~education~~ state board has received any information about the 43877
person pursuant to section 109.5721 of the Revised Code, but the 43878
person shall not be subject to divisions (A) to (C) of this 43879
section as long as the person's certificate, license, or permit 43880

with the longest duration is valid. 43881

(2) If the certificates, licenses, or permits are of the 43882
same duration but do not expire in the same year, the person 43883
shall designate one of the certificates, licenses, or permits as 43884
the person's primary certificate, license, or permit and shall 43885
notify the ~~department~~state board of that designation. The 43886
person shall be subject to divisions (A) to (C) of this section 43887
only when applying for renewal of the person's primary 43888
certificate, license, or permit. Prior to renewing any 43889
certificate, license, or permit that is not the person's primary 43890
certificate, license, or permit, the state board or the 43891
superintendent of public instruction shall determine whether the 43892
~~department~~state board has received any information about the 43893
person pursuant to section 109.5721 of the Revised Code, but the 43894
person shall not be subject to divisions (A) to (C) of this 43895
section as long as the person's primary certificate, license, or 43896
permit is valid. 43897

(3) If the certificates, licenses, or permits are of the 43898
same duration and expire in the same year and the person applies 43899
for renewal of the certificates, licenses, or permits at the 43900
same time, the state board or the superintendent of public 43901
instruction shall request only one criminal records check of the 43902
person under division (C) of this section. 43903

(G) If the ~~department~~state board is unable to enroll a 43904
person who has submitted an application for licensure, or to 43905
whom the state board has issued a license, in the retained 43906
applicant fingerprint database established under section 43907
109.5721 of the Revised Code because the person has not 43908
satisfied the requirements for enrollment, the ~~department~~board 43909
shall require the person to satisfy the requirements for 43910

enrollment, including requiring the person to submit, by a date 43911
prescribed by the ~~department~~state board, one complete set of 43912
fingerprints and written permission that authorizes the 43913
superintendent of public instruction to forward the fingerprints 43914
to the bureau of criminal identification and investigation for 43915
the purpose of enrolling the person in the database. If the 43916
person fails to comply by the prescribed date, the ~~department-~~ 43917
state board shall reject the application or shall take action to 43918
inactivate the person's license in accordance with division (E) 43919
of this section. 43920

Sec. 3319.292. As used in this section, "license" has the 43921
same meaning as in section 3319.31 of the Revised Code. 43922

The state board of education ~~and the department of~~ 43923
~~education~~ may question an applicant for issuance or renewal of 43924
any license with respect to any criminal offense committed or 43925
alleged to have been committed by the applicant. If the record 43926
of a conviction, plea of guilty, bail forfeiture, or other 43927
disposition of a criminal offense committed or alleged to have 43928
been committed by the applicant has been sealed or expunged, the 43929
state board ~~and the department~~ need not assert or demonstrate 43930
that its questioning with respect to the offense bears a direct 43931
and substantial relationship to the issuance or renewal of the 43932
license or to the position in which the applicant will work 43933
under the license. 43934

Any questions regarding a record of a conviction, plea of 43935
guilty, bail forfeiture, or other disposition of a criminal 43936
offense committed or alleged to have been committed by the 43937
applicant that has been sealed or expunged and the responses of 43938
the applicant to such questions shall not be a public record 43939
under section 149.43 of the Revised Code. 43940

Sec. 3319.316. The ~~department of education, on behalf of~~ 43941
~~the~~ state board of education, shall be a participating public 43942
office for purposes of the retained applicant fingerprint 43943
database established under section 109.5721 of the Revised Code 43944
and shall receive notification from the bureau of criminal 43945
identification and investigation of the arrest or conviction of 43946
persons to whom the state board has issued a license, as defined 43947
in section 3319.31 of the Revised Code. 43948

Sec. 3319.319. The appointing or hiring officer of a 43949
school district or school located in Ohio or another state may 43950
request from the ~~department~~ state board of education any report 43951
~~the department has~~ received under sections 3314.40, 3319.313, 43952
3326.24, 3328.19, or 5126.253 of the Revised Code regarding an 43953
individual who is under consideration for employment by the 43954
district or school. If the ~~department~~ superintendent of public 43955
instruction has received a report under any of those sections 43956
regarding the individual, the ~~department~~ state superintendent 43957
shall provide the contents of the report to the requesting 43958
officer. Upon provision of the contents of the report to the 43959
requesting officer, the ~~department~~ state superintendent shall 43960
notify the officer that the information provided is confidential 43961
and may not be disseminated to any other person or entity. 43962

If the ~~department~~ state superintendent provides the 43963
contents of a report to an appointing or hiring officer under 43964
this section, the ~~department~~ state superintendent shall document 43965
the information provided in the record of any investigation 43966
undertaken pursuant to section 3319.311 of the Revised Code 43967
based on the report. Such documentation shall include a list of 43968
the information provided, the date the information was provided, 43969
and the name and contact information of the appointing or hiring 43970
officer to whom the information was provided. 43971

Sec. 3319.33. On or before the first day of August in each year, the board of education of each city, exempted village, and local school district shall report to the ~~state board~~ department of education and workforce the school statistics of its district. Such report shall be made on forms furnished by the ~~state board of education~~ department and shall contain such information as the ~~state board of education~~ department requires. The report shall also set forth with respect to each civil proceeding in which the board of education is a defendant and each civil proceeding in which the board of education is a party and is not a defendant and in which one of the other parties is a board of education in this state or an officer, board, or official of this state:

(A) The nature of the proceeding;

(B) The capacity in which the board is a party to the proceeding;

(C) The total expenses incurred by the board with respect to the proceeding;

(D) The total expenses incurred by the board with respect to the proceeding during the reporting period.

Divisions (A) to (D) of this section do not apply to any proceeding for which no expenses have been incurred during the reporting period.

The board of education of each city, exempted village, and local school district may prepare and publish annually a report of the condition and administration of the schools under its supervision which shall include therein an exhibit of the financial affairs of the district and the information required in divisions (A) to (D) of this section. Such annual report

shall be for a full year. 44001

Sec. 3319.35. If the superintendent or treasurer of any 44002
school district or educational service center fails to prepare 44003
any required report, that superintendent shall be liable in the 44004
sum of three hundred dollars, to be recovered by a civil action. 44005
In the case of reports required to be submitted to the 44006
superintendent, such action shall be instituted in the name of 44007
the governing board of the service center upon the complaint of 44008
the service center superintendent and the amount collected shall 44009
be paid into the service center's general fund. In the case of 44010
reports to be submitted to the ~~state board~~ department of 44011
education and workforce, the action shall be instituted in the 44012
name of the state on complaint of the board and the amount 44013
collected shall be paid into the general revenue fund. 44014

Sec. 3319.361. (A) The state board of education shall 44015
establish rules for the issuance of a supplemental teaching 44016
license. This license shall be issued at the request of the 44017
superintendent of a city, local, exempted village, or joint 44018
vocational school district, educational service center, or the 44019
governing authority of a STEM school, chartered nonpublic 44020
school, or community school to an individual who meets all of 44021
the following criteria: 44022

(1) Holds a current professional or permanent Ohio 44023
teaching certificate or resident educator license, professional 44024
educator license, senior professional educator license, or lead 44025
professional educator license, as issued under section 3319.22 44026
or 3319.26 of the Revised Code; 44027

(2) Is of good moral character; 44028

(3) Is employed in a supplemental licensure area or 44029

teaching field, as defined by the state board; 44030

(4) Completes an examination prescribed by the state board 44031
in the licensure area; 44032

(5) Completes, while employed under the supplemental 44033
teaching license and subsequent renewals thereof, additional 44034
coursework, if applicable, and testing requirements for full 44035
licensure in the supplemental area as a condition of holding and 44036
teaching under a supplemental teaching license. 44037

(B) The employing school district, service center, or 44038
school shall assign a mentor to the individual holding a 44039
supplemental teaching license. The assigned mentor shall be an 44040
experienced teacher who currently holds a license in the same, 44041
or a related, content area as the supplemental license. 44042

(C) Before the ~~department of education~~ state board will 44043
issue an individual a supplemental teaching license in another 44044
area, the supplemental licensee must complete the supplemental 44045
licensure program, or its equivalent, and be issued a standard 44046
teaching license in the area of the currently held supplemental 44047
license. 44048

(D) An individual may advance from a supplemental teaching 44049
license to a standard teaching license upon: 44050

(1) Verification from the employing superintendent or 44051
governing authority that the individual holding the supplemental 44052
teaching license has taught successfully in the licensure area 44053
for a minimum of two years; and 44054

(2) Completing requirements as applicable to the licensure 44055
area or teaching field as established by the state board. 44056

(E) A licensee who has filed an application under this 44057

section may work in the supplemental licensure area for up to 44058
sixty school days while completing the requirements in division 44059
(A) (4) of this section. If the requirements are not completed 44060
within sixty days, the application shall be declined. 44061

Sec. 3319.39. (A) (1) Except as provided in division (F) (2) 44062
(b) of section 109.57 of the Revised Code, the appointing or 44063
hiring officer of the board of education of a school district, 44064
the governing board of an educational service center, or of a 44065
chartered nonpublic school shall request the superintendent of 44066
the bureau of criminal identification and investigation to 44067
conduct a criminal records check with respect to any applicant 44068
who has applied to the school district, educational service 44069
center, or school for employment in any position. The appointing 44070
or hiring officer shall request that the superintendent include 44071
information from the federal bureau of investigation in the 44072
criminal records check, unless all of the following apply to the 44073
applicant: 44074

(a) The applicant is applying to be an instructor of adult 44075
education. 44076

(b) The duties of the position for which the applicant is 44077
applying do not involve routine interaction with a child or 44078
regular responsibility for the care, custody, or control of a 44079
child or, if the duties do involve such interaction or 44080
responsibility, during any period of time in which the 44081
applicant, if hired, has such interaction or responsibility, 44082
another employee of the school district, educational service 44083
center, or chartered nonpublic school will be present in the 44084
same room with the child or, if outdoors, will be within a 44085
thirty-yard radius of the child or have visual contact with the 44086
child. 44087

(c) The applicant presents proof that the applicant has 44088
been a resident of this state for the five-year period 44089
immediately prior to the date upon which the criminal records 44090
check is requested or provides evidence that within that five- 44091
year period the superintendent has requested information about 44092
the applicant from the federal bureau of investigation in a 44093
criminal records check. 44094

(2) A person required by division (A) (1) of this section 44095
to request a criminal records check shall provide to each 44096
applicant a copy of the form prescribed pursuant to division (C) 44097
(1) of section 109.572 of the Revised Code, provide to each 44098
applicant a standard impression sheet to obtain fingerprint 44099
impressions prescribed pursuant to division (C) (2) of section 44100
109.572 of the Revised Code, obtain the completed form and 44101
impression sheet from each applicant, and forward the completed 44102
form and impression sheet to the superintendent of the bureau of 44103
criminal identification and investigation at the time the person 44104
requests a criminal records check pursuant to division (A) (1) of 44105
this section. 44106

(3) An applicant who receives pursuant to division (A) (2) 44107
of this section a copy of the form prescribed pursuant to 44108
division (C) (1) of section 109.572 of the Revised Code and a 44109
copy of an impression sheet prescribed pursuant to division (C) 44110
(2) of that section and who is requested to complete the form 44111
and provide a set of fingerprint impressions shall complete the 44112
form or provide all the information necessary to complete the 44113
form and shall provide the impression sheet with the impressions 44114
of the applicant's fingerprints. If an applicant, upon request, 44115
fails to provide the information necessary to complete the form 44116
or fails to provide impressions of the applicant's fingerprints, 44117
the board of education of a school district, governing board of 44118

an educational service center, or governing authority of a 44119
chartered nonpublic school shall not employ that applicant for 44120
any position. 44121

(4) Notwithstanding any provision of this section to the 44122
contrary, an applicant who meets the conditions prescribed in 44123
divisions (A) (1) (a) and (b) of this section and who, within the 44124
two-year period prior to the date of application, was the 44125
subject of a criminal records check under this section prior to 44126
being hired for short-term employment with the school district, 44127
educational service center, or chartered nonpublic school to 44128
which application is being made shall not be required to undergo 44129
a criminal records check prior to the applicant's rehiring by 44130
that district, service center, or school. 44131

(B) (1) Except as provided in rules adopted by the 44132
~~department~~ state board of education in accordance with division 44133
(E) of this section and as provided in division (B) (3) of this 44134
section, no board of education of a school district, no 44135
governing board of an educational service center, and no 44136
governing authority of a chartered nonpublic school shall employ 44137
a person if the person previously has been convicted of or 44138
pleaded guilty to any of the following: 44139

(a) A violation of section 2903.01, 2903.02, 2903.03, 44140
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 44141
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 44142
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 44143
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 44144
2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 44145
2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 44146
2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of 44147
section 2905.04 of the Revised Code as it existed prior to July 44148

1, 1996, a violation of section 2919.23 of the Revised Code that 44149
would have been a violation of section 2905.04 of the Revised 44150
Code as it existed prior to July 1, 1996, had the violation been 44151
committed prior to that date, a violation of section 2925.11 of 44152
the Revised Code that is not a minor drug possession offense, or 44153
felonious sexual penetration in violation of former section 44154
2907.12 of the Revised Code; 44155

(b) A violation of an existing or former law of this 44156
state, another state, or the United States that is substantially 44157
equivalent to any of the offenses or violations described in 44158
division (B) (1) (a) of this section. 44159

(2) A board, governing board of an educational service 44160
center, or a governing authority of a chartered nonpublic school 44161
may employ an applicant conditionally until the criminal records 44162
check required by this section is completed and the board or 44163
governing authority receives the results of the criminal records 44164
check. If the results of the criminal records check indicate 44165
that, pursuant to division (B) (1) of this section, the applicant 44166
does not qualify for employment, the board or governing 44167
authority shall release the applicant from employment. 44168

(3) No board and no governing authority of a chartered 44169
nonpublic school shall employ a teacher who previously has been 44170
convicted of or pleaded guilty to any of the offenses listed in 44171
section 3319.31 of the Revised Code. 44172

(C) (1) Each board and each governing authority of a 44173
chartered nonpublic school shall pay to the bureau of criminal 44174
identification and investigation the fee prescribed pursuant to 44175
division (C) (3) of section 109.572 of the Revised Code for each 44176
criminal records check conducted in accordance with that section 44177
upon the request pursuant to division (A) (1) of this section of 44178

the appointing or hiring officer of the board or governing authority. 44179
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(2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the board or governing authority pays under division (C) (1) of this section. If a fee is charged under this division, the board or governing authority shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the board or governing authority will not consider the applicant for employment. 44181
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(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A) (1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the board or governing authority requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual involved in a case dealing with the denial of employment to the applicant. 44192
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(E) The ~~department of education~~ state board shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which the board or governing authority may hire a person who has been convicted of an offense listed in division (B) (1) or (3) of 44204
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this section but who meets standards in regard to rehabilitation 44209
set by the ~~department~~ state board. Any rules adopted by the 44210
~~department~~ state board under this division regarding the 44211
employment of a person holding a certificate, license, or permit 44212
described in this chapter or in division (B) of section 3301.071 44213
or in section 3301.074 of the Revised Code shall comply with 44214
section 9.79 of the Revised Code. 44215

The ~~department~~ state board shall amend rule 3301-83-23 of 44216
the Ohio Administrative Code that took effect August 27, 2009, 44217
and that specifies the offenses that disqualify a person for 44218
employment as a school bus or school van driver and establishes 44219
rehabilitation standards for school bus and school van drivers. 44220

(F) Any person required by division (A)(1) of this section 44221
to request a criminal records check shall inform each person, at 44222
the time of the person's initial application for employment, of 44223
the requirement to provide a set of fingerprint impressions and 44224
that a criminal records check is required to be conducted and 44225
satisfactorily completed in accordance with section 109.572 of 44226
the Revised Code if the person comes under final consideration 44227
for appointment or employment as a precondition to employment 44228
for the school district, educational service center, or school 44229
for that position. 44230

(G) As used in this section: 44231

(1) "Applicant" means a person who is under final 44232
consideration for appointment or employment in a position with a 44233
board of education, governing board of an educational service 44234
center, or a chartered nonpublic school, except that "applicant" 44235
does not include a person already employed by a board or 44236
chartered nonpublic school who is under consideration for a 44237
different position with such board or school. 44238

(2) "Teacher" means a person holding an educator license 44239
or permit issued under section 3319.22 or 3319.301 of the 44240
Revised Code and teachers in a chartered nonpublic school. 44241

(3) "Criminal records check" has the same meaning as in 44242
section 109.572 of the Revised Code. 44243

(4) "Minor drug possession offense" has the same meaning 44244
as in section 2925.01 of the Revised Code. 44245

(H) If the board of education of a local school district 44246
adopts a resolution requesting the assistance of the educational 44247
service center in which the local district has territory in 44248
conducting criminal records checks of substitute teachers and 44249
substitutes for other district employees under this section, the 44250
appointing or hiring officer of such educational service center 44251
shall serve for purposes of this section as the appointing or 44252
hiring officer of the local board in the case of hiring 44253
substitute teachers and other substitute employees for the local 44254
district. 44255

Sec. 3319.391. This section applies to any person hired by 44256
a school district, educational service center, or chartered 44257
nonpublic school in any position that does not require a 44258
"license" issued by the state board of education, as defined in 44259
section 3319.31 of the Revised Code, and is not for the 44260
operation of a vehicle for pupil transportation. 44261

(A) For each person to whom this section applies who is 44262
hired on or after November 14, 2007, the employer shall request 44263
a criminal records check in accordance with section 3319.39 of 44264
the Revised Code and shall request a subsequent criminal records 44265
check by the fifth day of September every fifth year thereafter. 44266
For each person to whom this division applies who is hired prior 44267

to November 14, 2007, the employer shall request a criminal 44268
records check by a date prescribed by the ~~department of~~ 44269
~~education state board~~ and shall request a subsequent criminal 44270
records check by the fifth day of September every fifth year 44271
thereafter. 44272

(B) (1) Each request for a criminal records check under 44273
this section shall be made to the superintendent of the bureau 44274
of criminal identification and investigation in the manner 44275
prescribed in section 3319.39 of the Revised Code, except that 44276
if both of the following conditions apply to the person subject 44277
to the records check, the employer shall request the 44278
superintendent only to obtain any criminal records that the 44279
federal bureau of investigation has on the person: 44280

(a) The employer previously requested the superintendent 44281
to determine whether the bureau of criminal identification and 44282
investigation has any information, gathered pursuant to division 44283
(A) of section 109.57 of the Revised Code, on the person in 44284
conjunction with a criminal records check requested under 44285
section 3319.39 of the Revised Code or under this section. 44286

(b) The person presents proof that the person has been a 44287
resident of this state for the five-year period immediately 44288
prior to the date upon which the person becomes subject to a 44289
criminal records check under this section. 44290

(2) Upon receipt of a request under division (B) (1) of 44291
this section, the superintendent shall conduct the criminal 44292
records check in accordance with section 109.572 of the Revised 44293
Code as if the request had been made under section 3319.39 of 44294
the Revised Code. However, as specified in division (B) (2) of 44295
section 109.572 of the Revised Code, if the employer requests 44296
the superintendent only to obtain any criminal records that the 44297

federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B) (1) of that section.

(C) Any person who is the subject of a criminal records check under this section and has been convicted of or pleaded guilty to any offense described in division (B) (1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards adopted by the ~~department~~ state board under division (E) of that section.

Sec. 3319.393. (A) Each school district and chartered nonpublic school shall include the following notice in boldface type in each employment application: "ANY PERSON WHO KNOWINGLY MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST DEGREE."

(B) (1) Each district and chartered nonpublic school shall consult the "educator profile" database maintained on the web site of the ~~department~~ state board of education prior to making any hiring decision.

(2) After consulting the "educator profile" database, a district or chartered nonpublic school may further discern the employment, disciplinary, or criminal record of an applicant for employment in either or both of the following ways:

(a) Consulting the state board of education's office of professional conduct ~~within the department of education~~ in accordance with section 3319.319 of the Revised Code to determine whether the individual has been the subject of either:

(i) Any notice to the ~~department~~ superintendent of public

instruction under section 3314.40, 3319.313, 3326.24, 3328.19, 44327
or 5126.253 of the Revised Code; 44328

(ii) Any disciplinary actions conducted by the 44329
~~department~~state board. 44330

(b) Consulting any prior education-related employers of 44331
the individual. 44332

(3) A district or chartered nonpublic school may require 44333
additional background checks other than the criminal records 44334
checks authorized under sections 109.574 to 109.577 of the 44335
Revised Code or those required under section 3319.39 or 3319.391 44336
of the Revised Code for any applicant for employment or 44337
potential volunteer. 44338

(C) A district or chartered nonpublic school may 44339
conditionally employ an individual pending the receipt of 44340
information sought in accordance with division (B) (2) of this 44341
section. Should that information indicate that the individual 44342
has engaged in conduct unbecoming to the teaching profession or 44343
has committed an offense that prevents, limits, or otherwise 44344
affects the applicant's employment with the district or school, 44345
the district or chartered nonpublic school may release the 44346
individual from employment. 44347

Sec. 3319.40. (A) As used in this section, "license" has 44348
the same meaning as in section 3319.31 of the Revised Code. 44349

(B) If a person who is employed by a school district or 44350
chartered nonpublic school is arrested, summoned, or indicted 44351
for an alleged violation of an offense listed in division (C) of 44352
section 3319.31 of the Revised Code, if the person holds a 44353
license, or an offense listed in division (B) (1) of section 44354
3319.39 of the Revised Code, if the person does not hold a 44355

license, the superintendent of the district or the chief 44356
administrative officer of the chartered nonpublic school shall 44357
suspend that person from all duties that require the care, 44358
custody, or control of a child during the pendency of the 44359
criminal action against the person. If the person who is 44360
arrested, summoned, or indicted for an alleged violation of an 44361
offense listed in division (C) of section 3319.31 or division 44362
(B) (1) of section 3319.39 of the Revised Code is a person whose 44363
duties are assigned by the district treasurer under division (B) 44364
of section 3313.31 of the Revised Code, the treasurer shall 44365
suspend the person from all duties that require the care, 44366
custody, or control of a child. If the person who is arrested, 44367
summoned, or indicted for an alleged violation of an offense 44368
listed in division (C) of section 3319.31 or division (B) (1) of 44369
section 3319.39 of the Revised Code is the superintendent or 44370
treasurer of the district, the district board shall suspend the 44371
superintendent or treasurer from all duties that require the 44372
care, custody, or control of a child. If the person who is 44373
arrested, summoned, or indicted for an alleged violation of an 44374
offense listed in division (C) of section 3319.31 or division 44375
(B) (1) of section 3319.39 of the Revised Code is the chief 44376
administrative officer of the chartered nonpublic school, the 44377
governing authority of the chartered nonpublic school shall 44378
suspend the chief administrative officer from all duties that 44379
require the care, custody, or control of a child. 44380

(C) When a person who holds a license is suspended in 44381
accordance with this section, the superintendent, treasurer, 44382
board of education, chief administrative officer, or governing 44383
authority that imposed the suspension promptly shall report the 44384
person's suspension to the ~~department~~ state board of education. 44385
The report shall include the offense for which the person was 44386

arrested, summoned, or indicted. 44387

Sec. 3319.44. True copies of all contracts made on behalf 44388
of this state pursuant to sections 3319.42 and 3319.43 of the 44389
Revised Code shall be kept on file in the offices of the ~~state~~ 44390
department of education and workforce and of the secretary of 44391
state. The ~~state~~ department of education and workforce shall 44392
publish all such contracts in convenient form. 44393

Sec. 3319.46. (A) (1) The ~~state board~~ department of 44394
education and workforce shall adopt rules under Chapter 119. of 44395
the Revised Code that establish both of the following: 44396

(a) A policy and standards for the implementation of 44397
positive behavior intervention and supports framework; 44398

(b) A policy and standards for the use of physical 44399
restraint or seclusion on students. 44400

(2) ~~Within ninety days after the effective date of this~~ 44401
~~amendment, the state board~~ The department shall amend or update 44402
rule 3301-35-15 of the Administrative Code to reflect the 44403
requirements of this section. 44404

(B) (1) Each school district board of education shall do 44405
all of the following: 44406

(a) Implement a positive behavior intervention and 44407
supports framework on a system-wide basis that complies with 44408
this section; 44409

(b) Comply with any policy and standards adopted, amended, 44410
or updated by the ~~state board~~ department under this section; 44411

(c) Submit any reports required by the department ~~of~~ 44412
~~education~~ or the general assembly with respect to the 44413
implementation of a positive behavior intervention and supports 44414

framework or suspension and expulsion of students in any of 44415
grades pre-kindergarten through three. 44416

(2) Each school district's positive behavior intervention 44417
and supports framework may focus on the following: 44418

(a) Comprehensive, school-wide data systems that enable 44419
monitoring of academic progress, behavioral incidents, 44420
attendance, and other critical indicators across classrooms; 44421

(b) School-wide investment in evidence-based curricula and 44422
effective instructional strategies, matched to students' needs, 44423
and data to support teachers' academic instruction; 44424

(c) An expectation by school administrators that classroom 44425
practices be linked to and aligned with the school-wide system; 44426

(d) Improving staff climate and culture regarding the role 44427
of discipline in the classroom, established through the use of 44428
positive and proactive communication and staff recognition. 44429

(C) For purposes of this section, "positive behavior 44430
intervention and supports framework" or "positive behavior 44431
intervention and supports" means a multi-tiered, school-wide, 44432
behavioral framework developed and implemented for the purpose 44433
of improving academic and social outcomes and increasing 44434
learning for all students. 44435

(D) The department ~~of education~~ shall oversee each school 44436
district's and school's compliance with this section. 44437

Sec. 3319.55. (A) A grant program is hereby established to 44438
recognize and reward teachers in public and chartered nonpublic 44439
schools who hold valid teaching certificates or licenses issued 44440
by the national board for professional teaching standards. The 44441
~~superintendent of public instruction~~ department of education and 44442

workforce shall administer this program in accordance with this 44443
section and the rules which the state board of education it 44444
adopts. The department shall adopt those rules in accordance 44445
with Chapter 119. of the Revised Code. 44446

In each fiscal year that the general assembly appropriates 44447
funds for purposes of this section, the ~~superintendent of public~~ 44448
~~instruction department~~ shall award a grant to each person who, 44449
by the first day of April of that year and in accordance with 44450
the rules adopted under this section, submits to the 44451
~~superintendent department~~ evidence indicating both of the 44452
following: 44453

(1) The person holds a valid certificate or license issued 44454
by the national board for professional teaching standards; 44455

(2) The person has been employed full-time as a teacher by 44456
the board of education of a school district or by a chartered 44457
nonpublic school in this state during the current school year. 44458

An individual may receive a grant under this section in 44459
each fiscal year the person is eligible for a grant and submits 44460
evidence of that eligibility in accordance with this section. No 44461
person may receive a grant after the expiration of the person's 44462
initial certification or license issued by the national board. 44463

(B) The amount of the grant awarded to each eligible 44464
person under division (A) of this section in any fiscal year 44465
shall equal two thousand five hundred dollars. However, if the 44466
funds appropriated for purposes of this section in any fiscal 44467
year are not sufficient to award the full grant amount to each 44468
person who is eligible in that fiscal year, the ~~superintendent~~ 44469
~~department~~ shall prorate the amount of the grant awarded in that 44470
fiscal year to each eligible person. 44471

Sec. 3319.56. The department of education and workforce 44472
shall identify promising practices in Ohio and throughout the 44473
country for engaging teachers certified by the national board 44474
for professional teaching standards, and lead teachers who meet 44475
the criteria adopted by the educator standards board pursuant to 44476
section 3319.61 of the Revised Code, in ways that add value 44477
beyond their own classrooms. Practices identified by the 44478
department as promising may include placing national board 44479
certified and lead teachers in key roles in peer review 44480
programs; having such teachers serve as coaches, mentors, and 44481
trainers for other teachers; or having such teachers develop 44482
curricula or instructional integration strategies. 44483

Once the department has identified promising practices, 44484
the department shall inform all school districts of the 44485
practices by posting such information on the department's world 44486
wide web site. 44487

Sec. 3319.57. (A) A grant program is hereby established 44488
under which the department of education and workforce shall 44489
award grants to assist certain schools in a city, exempted 44490
village, local, or joint vocational school district in 44491
implementing one of the following innovations: 44492

(1) The use of instructional specialists to mentor and 44493
support classroom teachers; 44494

(2) The use of building managers to supervise the 44495
administrative functions of school operation so that a school 44496
principal can focus on supporting instruction, providing 44497
instructional leadership, and engaging teachers as part of the 44498
instructional leadership team; 44499

(3) The reconfiguration of school leadership structure in 44500

a manner that allows teachers to serve in leadership roles so 44501
that teachers may share the responsibility for making and 44502
implementing school decisions; 44503

(4) The adoption of new models for restructuring the 44504
school day or school year, such as including teacher planning 44505
and collaboration time as part of the school day; 44506

(5) The creation of smaller schools or smaller units 44507
within larger schools for the purpose of facilitating teacher 44508
collaboration to improve and advance the professional practice 44509
of teaching; 44510

(6) The implementation of "grow your own" recruitment 44511
strategies that are designed to assist individuals who show a 44512
commitment to education become licensed teachers, to assist 44513
experienced teachers obtain licensure in subject areas for which 44514
there is need, and to assist teachers in becoming principals; 44515

(7) The provision of better conditions for new teachers, 44516
such as reduced teaching load and reduced class size; 44517

(8) The provision of incentives to attract qualified 44518
mathematics, science, or special education teachers; 44519

(9) The development and implementation of a partnership 44520
with teacher preparation programs at colleges and universities 44521
to help attract teachers qualified to teach in shortage areas; 44522

(10) The implementation of a program to increase the 44523
cultural competency of both new and veteran teachers; 44524

(11) The implementation of a program to increase the 44525
subject matter competency of veteran teachers. 44526

(B) To qualify for a grant to implement one of the 44527
innovations described in division (A) of this section, a school 44528

must meet both of the following criteria: 44529

(1) Be hard to staff, as defined by the department. 44530

(2) Use existing school district funds for the 44531
implementation of the innovation in an amount equal to the grant 44532
amount multiplied by (1 - the district's state share percentage 44533
for the fiscal year in which the grant is awarded). 44534

For purposes of division (B) (2) of this section, "state 44535
share percentage" has the same meaning as in section 3317.02 of 44536
the Revised Code. 44537

(C) The amount and number of grants awarded under this 44538
section shall be determined by the department based on any 44539
appropriations made by the general assembly for grants under 44540
this section. 44541

(D) The ~~state board of education~~ department shall adopt 44542
rules for the administration of this grant program. 44543

Sec. 3319.60. There is hereby established the educator 44544
standards board. The board shall develop and recommend to the 44545
state board of education standards for entering and continuing 44546
in the educator professions and standards for educator 44547
professional development. The board membership shall reflect the 44548
diversity of the state in terms of gender, race, ethnic 44549
background, and geographic distribution. 44550

(A) The board shall consist of the following members: 44551

(1) The following nineteen members appointed by the state 44552
board of education: 44553

(a) Ten persons employed as teachers in a school district. 44554
Three persons appointed under this division shall be employed as 44555
teachers in a secondary school, two persons shall be employed as 44556

teachers in a middle school, three persons shall be employed as 44557
teachers in an elementary school, one person shall be employed 44558
as a teacher in a pre-kindergarten classroom, and one person 44559
shall be a teacher who serves on a local professional 44560
development committee pursuant to section 3319.22 of the Revised 44561
Code. At least one person appointed under this division shall 44562
hold a teaching certificate or license issued by the national 44563
board for professional teaching standards. The Ohio education 44564
association shall submit a list of fourteen nominees for these 44565
appointments and the state board may appoint up to seven members 44566
to the educator standards board from that list. The Ohio 44567
federation of teachers shall submit a list of six nominees for 44568
these appointments and the state board may appoint up to three 44569
members to the educator standards board from that list. If there 44570
is an insufficient number of nominees from both lists to satisfy 44571
the membership requirements of this division, the state board 44572
shall request additional nominees who satisfy those 44573
requirements. 44574

(b) One person employed as a teacher in a chartered, 44575
nonpublic school. Stakeholder groups selected by the state board 44576
shall submit a list of two nominees for this appointment. 44577

(c) Five persons employed as school administrators in a 44578
school district. Of those five persons, one person shall be 44579
employed as a secondary school principal, one person shall be 44580
employed as a middle school principal, one person shall be 44581
employed as an elementary school principal, one person shall be 44582
employed as a school district treasurer or business manager, and 44583
one person shall be employed as a school district 44584
superintendent. The buckeye association of school administrators 44585
shall submit a list of two nominees for the school district 44586
superintendent, the Ohio association of school business 44587

officials shall submit a list of two nominees for the school district treasurer or business manager, the Ohio association of elementary school administrators shall submit a list of two nominees for the elementary school principal, and the Ohio association of secondary school administrators shall submit a list of two nominees for the middle school principal and a list of two nominees for the secondary school principal.—

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

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

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

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

sciences. 44618

(3) The speaker of the house of representatives shall 44619
appoint two persons who are active in or retired from the 44620
education profession. 44621

(4) The president of the senate shall appoint two persons 44622
who are active in or retired from the education profession. 44623

(5) The superintendent of public instruction ~~or a designee~~ 44624
~~of the superintendent, the chancellor of the Ohio board of~~ 44625
~~regents or a designee of the chancellor~~ higher education, the 44626
director of education and workforce, their designees, and the 44627
chairpersons and the ranking minority members of the education 44628
committees of the senate and house of representatives shall 44629
serve as nonvoting, ex officio members. 44630

(B) Terms of office shall be for two years. Each member 44631
shall hold office from the date of the member's appointment 44632
until the end of the term for which the member was appointed. At 44633
the first meeting, appointed members shall select a chairperson 44634
and a vice-chairperson. Vacancies on the board shall be filled 44635
in the same manner as prescribed for appointments under division 44636
(A) of this section. Any member appointed to fill a vacancy 44637
occurring prior to the expiration of the term for which the 44638
member's predecessor was appointed shall hold office for the 44639
remainder of such term. Any member shall continue in office 44640
subsequent to the expiration date of the member's term until the 44641
member's successor takes office, or until a period of sixty days 44642
has elapsed, whichever occurs first. The terms of office of 44643
members are renewable. 44644

(C) Members shall receive no compensation for their 44645
services. 44646

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

Sec. 3319.61. (A) The educator standards board, in consultation with the chancellor of higher education, shall do all of the following:

(1) Develop state standards for teachers and principals that reflect what teachers and principals are expected to know and be able to do at all stages of their careers. These standards shall be aligned with the statewide academic content standards for students adopted pursuant to section 3301.079 of the Revised Code, be primarily based on educator performance instead of years of experience or certain courses completed, and rely on evidence-based factors. These standards shall also be aligned with the operating standards adopted under division (D) (3) of section 3301.07 of the Revised Code.

(a) The standards for teachers shall reflect the following additional criteria:

(i) Alignment with the interstate new teacher assessment and support consortium standards;

(ii) Differentiation among novice, experienced, and advanced teachers;

(iii) Reliance on competencies that can be measured;

(iv) Reliance on content knowledge, teaching skills, 44676
discipline-specific teaching methods, and requirements for 44677
professional development; 44678

(v) Alignment with a career-long system of professional 44679
development and evaluation that ensures teachers receive the 44680
support and training needed to achieve the teaching standards as 44681
well as reliable feedback about how well they meet the 44682
standards; 44683

(vi) The standards under section 3301.079 of the Revised 44684
Code, including standards on collaborative learning environments 44685
and interdisciplinary, project-based, real-world learning and 44686
differentiated instruction; 44687

(vii) The Ohio leadership framework. 44688

(b) The standards for principals shall be aligned with the 44689
interstate school leaders licensing consortium standards. 44690

(2) Develop standards for school district superintendents 44691
that reflect what superintendents are expected to know and be 44692
able to do at all stages of their careers. The standards shall 44693
reflect knowledge of systems theory and effective management 44694
principles and be aligned with the buckeye association of school 44695
administrators standards and the operating standards developed 44696
under division (D) (3) of section 3301.07 of the Revised Code. 44697

(3) Develop standards for school district treasurers and 44698
business managers that reflect what treasurers and business 44699
managers are expected to know and be able to do at all stages of 44700
their careers. The standards shall reflect knowledge of systems 44701
theory and effective management principles and be aligned with 44702
the association of school business officials international 44703
standards and the operating standards developed under division 44704

(D) (3) of section 3301.07 of the Revised Code. 44705

(4) Develop standards for the renewal of licenses under 44706
sections 3301.074 and 3319.22 of the Revised Code; 44707

(5) Develop standards for educator professional 44708
development; 44709

(6) Investigate and make recommendations for the creation, 44710
expansion, and implementation of school building and school 44711
district leadership academies; 44712

(7) Develop standards for school counselors that reflect 44713
what school counselors are expected to know and be able to do at 44714
all stages of their careers. The standards shall reflect 44715
knowledge of academic, personal, and social counseling for 44716
students and effective principles to implement an effective 44717
school counseling program. The standards also shall reflect 44718
Ohio-specific knowledge of career counseling for students and 44719
education options that provide flexibility for earning credit, 44720
such as earning units of high school credit using the methods 44721
adopted by the ~~state board~~ department of education and workforce 44722
under division (J) of section 3313.603 of the Revised Code and 44723
earning college credit through the college credit plus program 44724
established under Chapter 3365. of the Revised Code and the 44725
career-technical education credit transfer criteria, policies, 44726
and procedures established under section 3333.162 of the Revised 44727
Code. The standards shall align with the American school 44728
counselor association's professional standards and the operating 44729
standards developed under division (D) (3) of section 3301.07 of 44730
the Revised Code. 44731

The director of education and workforce, superintendent of 44732
public instruction, the chancellor of higher education, or the 44733

education standards board itself may request that the educator 44734
standards board update, review, or reconsider any standards 44735
developed under this section. 44736

(B) The educator standards board shall incorporate 44737
indicators of cultural competency into the standards developed 44738
under division (A) of this section. For this purpose, the 44739
educator standards board shall develop a definition of cultural 44740
competency based upon content and experiences that enable 44741
educators to know, understand, and appreciate the students, 44742
families, and communities that they serve and skills for 44743
addressing cultural diversity in ways that respond equitably and 44744
appropriately to the cultural needs of individual students. 44745

(C) In developing the standards under division (A) of this 44746
section, the educator standards board shall consider the impact 44747
of the standards on closing the achievement gap between students 44748
of different subgroups. 44749

(D) In developing the standards under division (A) of this 44750
section, the educator standards board shall ensure both of the 44751
following: 44752

(1) That teachers have sufficient knowledge to provide 44753
appropriate instruction for students identified as gifted 44754
pursuant to Chapter 3324. of the Revised Code and to assist in 44755
the identification of such students, and have sufficient 44756
knowledge that will enable teachers to provide learning 44757
opportunities for all children to succeed; 44758

(2) That principals, superintendents, school treasurers, 44759
and school business managers have sufficient knowledge to 44760
provide principled, collaborative, foresighted, and data-based 44761
leadership that will provide learning opportunities for all 44762

children to succeed. 44763

(E) The standards for educator professional development 44764
developed under division (A) (5) of this section shall include 44765
the following: 44766

(1) Standards for the inclusion of local professional 44767
development committees established under section 3319.22 of the 44768
Revised Code in the planning and design of professional 44769
development; 44770

(2) Standards that address the crucial link between 44771
academic achievement and mental health issues. 44772

(F) The educator standards board shall also perform the 44773
following functions: 44774

(1) Monitor compliance with the standards developed under 44775
division (A) of this section and make recommendations to the 44776
state board of education for appropriate corrective action if 44777
such standards are not met; 44778

(2) Research, develop, and recommend policies on the 44779
professions of teaching and school administration; 44780

(3) Recommend policies to close the achievement gap 44781
between students of different subgroups; 44782

(4) Define a "master teacher" in a manner that can be used 44783
uniformly by all school districts; 44784

(5) Adopt criteria that a candidate for a lead 44785
professional educator license under section 3319.22 of the 44786
Revised Code who does not hold a valid certificate issued by the 44787
national board for professional teaching standards must meet to 44788
be considered a lead teacher for purposes of division (B) (4) (d) 44789
of that section. It is the intent of the general assembly that 44790

the educator standards board shall adopt multiple, equal- 44791
weighted criteria to use in determining whether a person is a 44792
lead teacher. The criteria shall be in addition to the other 44793
standards and qualifications prescribed in division (B) (4) of 44794
section 3319.22 of the Revised Code. The criteria may include, 44795
but shall not be limited to, completion of educational levels 44796
beyond a master's degree or other professional development 44797
courses or demonstration of a leadership role in the teacher's 44798
school building or district. The board shall determine the 44799
number of criteria that a teacher shall satisfy to be recognized 44800
as a lead teacher, which shall not be the total number of 44801
criteria adopted by the board. 44802

(6) Develop model teacher and principal evaluation 44803
instruments and processes. The models shall be based on the 44804
standards developed under division (A) of this section. 44805

(7) Develop a method of measuring the academic improvement 44806
made by individual students during a one-year period and make 44807
recommendations for incorporating the measurement as one of 44808
multiple evaluation criteria into each of the following: 44809

(a) Eligibility for a professional educator license, 44810
senior professional educator license, lead professional educator 44811
license, or principal license issued under section 3319.22 of 44812
the Revised Code; 44813

(b) The Ohio teacher residency program established under 44814
section 3319.223 of the Revised Code; 44815

(c) The model teacher and principal evaluation instruments 44816
and processes developed under division (F) (6) of this section. 44817

~~(G) The educator standards board shall submit 44818
recommendations of standards developed under division (A) of 44819~~

~~this section to the state board of education not later than~~ 44820
~~September 1, 2010. The state board of education shall review~~ 44821
~~those recommendations at the state board's regular meeting that~~ 44822
~~next succeeds the date that the recommendations are submitted to~~ 44823
~~the state board. At that meeting, the state board of education~~ 44824
~~shall vote to either adopt standards based on those~~ 44825
~~recommendations or request that the educator standards board~~ 44826
~~reconsider its recommendations. The state board of education~~ 44827
~~shall articulate reasons for requesting reconsideration of the~~ 44828
~~recommendations but shall not direct the content of the~~ 44829
~~recommendations. The educator standards board shall reconsider~~ 44830
~~its recommendations if the state board of education so requests,~~ 44831
~~may revise the recommendations, and shall resubmit the~~ 44832
~~recommendations, whether revised or not, to the state board not~~ 44833
~~later than two weeks prior to the state board's regular meeting~~ 44834
~~that next succeeds the meeting at which the state board~~ 44835
~~requested reconsideration of the initial recommendations. The~~ 44836
~~state board of education shall review the recommendations as~~ 44837
~~resubmitted by the educator standards board at the state board's~~ 44838
~~regular meeting that next succeeds the meeting at which the~~ 44839
~~state board requested reconsideration of the initial~~ 44840
~~recommendations and may adopt the standards as resubmitted or,~~ 44841
~~if the resubmitted standards have not addressed the state~~ 44842
~~board's concerns, the state board may modify the standards prior~~ 44843
~~to adopting them. The final responsibility to determine whether~~ 44844
~~to adopt standards as described in division (A) of this section~~ 44845
~~and the content of those standards, if adopted, belongs solely~~ 44846
~~to the state board of education.~~ 44847

Sec. 3319.611. The subcommittee on standards for 44848
superintendents of the education standards board is hereby 44849
established. The subcommittee shall consist of the following 44850

members: 44851

(A) The school district superintendent appointed to the 44852
educator standards board under section 3319.60 of the Revised 44853
Code, who shall act as chairperson of the subcommittee; 44854

(B) Three additional school district superintendents 44855
appointed by the state board of education, for terms of two 44856
years. The buckeye association of school administrators shall 44857
submit a list of six nominees for appointments under this 44858
section. 44859

(C) Three additional members of the educator standards 44860
board, appointed by the chairperson of the educator standards 44861
board; 44862

(D) The superintendent of public instruction ~~and, the~~ 44863
chancellor of ~~the Ohio board of regents~~ higher education, and the 44864
director of education and workforce, or their designees, who 44865
shall serve as nonvoting, ex officio members of the 44866
subcommittee. 44867

Members of the subcommittee shall receive no compensation 44868
for their services. The members appointed under divisions (B) 44869
and (C) of this section may be reappointed. 44870

The subcommittee shall assist the educator standards board 44871
in developing the standards for superintendents and with any 44872
additional matters the educator standards board directs the 44873
subcommittee to examine. 44874

Sec. 3319.612. The subcommittee on standards for school 44875
treasurers and business managers of the educator standards board 44876
is hereby established. The subcommittee shall consist of the 44877
following members: 44878

(A) The school district treasurer or business manager 44879
appointed to the educator standards board under section 3319.60 44880
of the Revised Code, who shall act as chairperson of the 44881
subcommittee; 44882

(B) Three additional school district treasurers or 44883
business managers appointed by the state board of education for 44884
terms of two years. The Ohio association of school business 44885
officials shall submit a list of six nominees for appointments 44886
under this section. 44887

(C) Three additional members of the educator standards 44888
board, appointed by the chairperson of the educator standards 44889
board; 44890

(D) The superintendent of public instruction ~~and, the~~ 44891
chancellor of ~~the Ohio board of regents~~ higher education, and the 44892
director of education and workforce, or their designees, who 44893
shall serve as nonvoting, ex officio members of the 44894
subcommittee. 44895

Members of the subcommittee shall receive no compensation 44896
for their services. The members appointed under divisions (B) 44897
and (C) of this section may be reappointed. 44898

The subcommittee shall assist the educator standards board 44899
in developing the standards for school treasurers and business 44900
managers and with any additional matters the educator standards 44901
board directs the subcommittee to examine. 44902

Sec. 3319.613. The subcommittee on standards for teacher 44903
preparation of the educator standards board is hereby 44904
established. The subcommittee shall consist of the following 44905
members: 44906

(A) The three persons employed by institutions of higher 44907

education who are appointed by the chancellor of higher 44908
education to the educator standards board under section 3319.60 44909
of the Revised Code, one of whom shall act as chairperson of the 44910
subcommittee as determined by the subcommittee; 44911

(B) Two additional higher education representatives 44912
appointed by the state board of education, for terms of two 44913
years. One shall represent state institutions of higher 44914
education, as defined in section 3345.011 of the Revised Code, 44915
and one shall represent private nonprofit institutions of higher 44916
education. The state university education deans of Ohio, or its 44917
successor organization, shall submit to the state board one or 44918
more nominees for the appointee representing state institutions 44919
of higher education, and the Ohio association of private 44920
colleges for teacher education, or its successor organization, 44921
shall submit to the state board one or more nominees for the 44922
appointee representing private nonprofit institutions of higher 44923
education. 44924

(C) Two additional members of the educator standards 44925
board, appointed by the chairperson of the educator standards 44926
board; 44927

(D) The superintendent of public instruction~~and~~, the 44928
chancellor of higher education, and the director of education 44929
and workforce, or their designees, who shall serve as nonvoting, 44930
ex officio members of the subcommittee. 44931

Members of the subcommittee shall receive no compensation 44932
for their services. The members appointed under divisions (B) 44933
and (C) of this section may be reappointed. 44934

The subcommittee shall assist the educator standards board 44935
with issues pertaining to educator preparation programs and with 44936

any additional matters the educator standards board directs the 44937
subcommittee to examine. 44938

Sec. 3321.01. (A) (1) As used in this chapter, "parent," 44939
"guardian," or "other person having charge or care of a child" 44940
means either parent unless the parents are separated or divorced 44941
or their marriage has been dissolved or annulled, in which case 44942
"parent" means the parent who is the residential parent and 44943
legal custodian of the child. If the child is in the legal or 44944
permanent custody of a person or government agency, "parent" 44945
means that person or government agency. When a child is a 44946
resident of a home, as defined in section 3313.64 of the Revised 44947
Code, and the child's parent is not a resident of this state, 44948
"parent," "guardian," or "other person having charge or care of 44949
a child" means the head of the home. 44950

A child between six and eighteen years of age is "of 44951
compulsory school age" for the purpose of sections 3321.01 to 44952
3321.13 of the Revised Code. A child under six years of age who 44953
has been enrolled in kindergarten also shall be considered "of 44954
compulsory school age" for the purpose of sections 3321.01 to 44955
3321.13 of the Revised Code unless at any time the child's 44956
parent or guardian, at the parent's or guardian's discretion and 44957
in consultation with the child's teacher and principal, formally 44958
withdraws the child from kindergarten. The compulsory school age 44959
of a child shall not commence until the beginning of the term of 44960
such schools, or other time in the school year fixed by the 44961
rules of the board of the district in which the child resides. 44962

(2) In a district in which all children are admitted to 44963
kindergarten and the first grade in August or September, a child 44964
shall be admitted if the child is five or six years of age, 44965
respectively, by the thirtieth day of September of the year of 44966

admittance, or by the first day of a term or semester other than 44967
one beginning in August or September in school districts 44968
granting admittance at the beginning of such term or semester. A 44969
child who does not meet the age requirements of this section for 44970
admittance to kindergarten or first grade, but who will be five 44971
or six years old, respective, prior to the first day of January 44972
of the school year in which admission is requested, shall be 44973
evaluated for early admittance in accordance with district 44974
policy upon referral by the child's parent or guardian, an 44975
educator employed by the district, a preschool educator who 44976
knows the child, or a pediatrician or psychologist who knows the 44977
child. Following an evaluation in accordance with a referral 44978
under this section, the district board shall decide whether to 44979
admit the child. If a child for whom admission to kindergarten 44980
or first grade is requested will not be five or six years of 44981
age, respectively, prior to the first day of January of the 44982
school year in which admission is requested, the child shall be 44983
admitted only in accordance with the district's acceleration 44984
policy adopted under section 3324.10 of the Revised Code. 44985

(3) Notwithstanding division (A)(2) of this section, 44986
beginning with the school year that starts in 2001 and 44987
continuing thereafter the board of education of any district may 44988
adopt a resolution establishing the first day of August in lieu 44989
of the thirtieth day of September as the required date by which 44990
students must have attained the age specified in that division. 44991

(4) After a student has been admitted to kindergarten in a 44992
school district or chartered nonpublic school, no board of 44993
education of a school district to which the student transfers 44994
shall deny that student admission based on the student's age. 44995

(B) As used in division (C) of this section, "successfully 44996

completed kindergarten" means that the child has completed the	44997
kindergarten requirements at one of the following:	44998
(1) A public or chartered nonpublic school;	44999
(2) A kindergarten class that is both of the following:	45000
(a) Offered by a day-care provider licensed under Chapter	45001
5104. of the Revised Code;	45002
(b) If offered after July 1, 1991, is directly taught by a	45003
teacher who holds one of the following:	45004
(i) A valid educator license issued under section 3319.22	45005
of the Revised Code;	45006
(ii) A Montessori preprimary credential or age-appropriate	45007
diploma granted by the American Montessori society or the	45008
association Montessori internationale;	45009
(iii) Certification determined under division (F) of this	45010
section to be equivalent to that described in division (B) (2) (b)	45011
(ii) of this section;	45012
(iv) Certification for teachers in nontax-supported	45013
schools pursuant to section 3301.071 of the Revised Code.	45014
(C) (1) Except as provided in division (A) (2) of this	45015
section, no school district shall admit to the first grade any	45016
child who has not successfully completed kindergarten.	45017
(2) Notwithstanding division (A) (2) of this section, any	45018
student who has successfully completed kindergarten in	45019
accordance with section (B) of this section shall be admitted to	45020
first grade.	45021
(D) The scheduling of times for kindergarten classes and	45022
length of the school day for kindergarten shall be determined by	45023

the board of education of a city, exempted village, or local school district. 45024
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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. 45026
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(F) Upon written request of a day-care provider described by division (B) (2) (a) of this section, the department of education and workforce shall determine whether certification held by a teacher employed by the provider meets the requirement of division (B) (2) (b) (iii) of this section and, if so, shall furnish the provider a statement to that effect. 45029
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(G) As used in this division, "all-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code. 45035
45036

(1) A school district that is offering all-day kindergarten for the first time or that charged fees or tuition for all-day kindergarten in the 2012-2013 school year may charge fees or tuition for a student enrolled in all-day kindergarten in any school year following the 2012-2013 school year. The department shall adjust the district's average daily membership certification under section 3317.03 of the Revised Code by one-half of the full-time equivalency for each student charged fees or tuition for all-day kindergarten under this division. If a district charges fees or tuition for all-day kindergarten under this division, the district shall develop a sliding fee scale based on family incomes. 45037
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(2) The department ~~of education~~ shall conduct an annual survey of each school district described in division (G) (1) of this section to determine the following: 45049
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(a) Whether the district charges fees or tuition for 45052

students enrolled in all-day kindergarten; 45053

(b) The amount of the fees or tuition charged; 45054

(c) How many of the students for whom tuition is charged 45055
are eligible for free lunches under the "National School Lunch 45056
Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the 45057
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as 45058
amended, and how many of the students for whom tuition is 45059
charged are eligible for reduced price lunches under those acts; 45060

(d) How many students are enrolled in traditional half-day 45061
kindergarten rather than all-day kindergarten. 45062

Each district shall report to the department, in the 45063
manner prescribed by the department, the information described 45064
in divisions (G) (2) (a) to (d) of this section. 45065

The department shall issue an annual report on the results 45066
of the survey and shall post the report on its web site. The 45067
department shall issue the first report not later than April 30, 45068
2008, and shall issue a report not later than the thirtieth day 45069
of April each year thereafter. 45070

Sec. 3321.03. As used in this section and section 3321.04 45071
of the Revised Code, "special education program" means a school 45072
or the educational agency that provides special education and 45073
related services to children with disabilities in accordance 45074
with Chapter 3323. of the Revised Code. 45075

Except as provided in this section, the parent of a child 45076
of compulsory school age shall cause such child to attend a 45077
school in the school district in which the child is entitled to 45078
attend school under division (B) or (F) of section 3313.64 or 45079
section 3313.65 of the Revised Code, to participate in a special 45080
education program under Chapter 3323. of the Revised Code, or to 45081

otherwise cause the child to be instructed in accordance with 45082
law. Every child of compulsory school age shall attend a school 45083
or participate in a special education program that conforms to 45084
the minimum standards prescribed by the ~~state board~~ director of 45085
education and workforce until the child: 45086

(A) Receives a diploma granted by the board of education 45087
or other governing authority, successfully completes the 45088
curriculum of any high school, or successfully completes the 45089
individualized education program developed for the student by 45090
any high school pursuant to Chapter 3323. of the Revised Code; 45091

(B) Receives an age and schooling certificate as provided 45092
in section 3331.01 of the Revised Code; or 45093

(C) Is excused from school under standards adopted by the 45094
~~state board~~ department of education and workforce pursuant to 45095
section 3321.04 or 3321.042 of the Revised Code, or if in need 45096
of special education, the child is excused from such programs 45097
pursuant to section 3321.04 of the Revised Code. 45098

Sec. 3321.04. Notwithstanding division (D) of section 45099
3311.19 and division (D) of section 3311.52 of the Revised Code, 45100
this section does not apply to any joint vocational or 45101
cooperative education school district or its superintendent. 45102

Every parent of any child of compulsory school age who is 45103
not employed under an age and schooling certificate or exempt 45104
under section 3321.042 of the Revised Code must send such child 45105
to a school or a special education program that conforms to the 45106
minimum standards prescribed by the ~~state board~~ director of 45107
education and workforce, for the full time the school or program 45108
attended is in session, which shall not be for less than thirty- 45109
two weeks per school year. Such attendance must begin within the 45110

first week of the school term or program or within one week of 45111
the date on which the child begins to reside in the district or 45112
within one week after the child's withdrawal from employment. 45113

For the purpose of operating a school or program on a 45114
trimester plan, "full time the school attended is in session," 45115
as used in this section means the two trimesters to which the 45116
child is assigned by the board of education. For the purpose of 45117
operating a school or program on a quarterly plan, "full time 45118
the school attended is in session," as used in this section, 45119
means the three quarters to which the child is assigned by the 45120
board of education. For the purpose of operating a school or 45121
program on a pentamester plan, "full time the school is in 45122
session," as used in this section, means the four pentamesters 45123
to which the child is assigned by the board of education. 45124

Excuses from future attendance at or past absence from 45125
school or a special education program may be granted for the 45126
causes, by the authorities, and under the following conditions: 45127

(A) The superintendent of the school district in which the 45128
child resides may excuse the child from attendance for any part 45129
of the remainder of the current school year upon a satisfactory 45130
showing ~~of either of the following facts:~~ 45131

~~(1) That that the child's bodily or mental condition does 45132
not permit attendance at school or a special education program 45133
during such period; this fact is certified in writing by a 45134
licensed physician or, in the case of a mental condition, by a 45135
licensed physician, a licensed psychologist, licensed school 45136
psychologist or a certificated school psychologist; and 45137
provision is made for appropriate instruction of the child, in 45138
accordance with Chapter 3323. of the Revised Code;~~ 45139

~~(2) That the child is being instructed at home by a person-~~ 45140
~~qualified to teach the branches in which instruction is-~~ 45141
~~required, and such additional branches, as the advancement and-~~ 45142
~~needs of the child may, in the opinion of such superintendent,-~~ 45143
~~require. In each such case the .~~ The issuing superintendent 45144
shall file in the superintendent's office, with a copy of the 45145
excuse, papers showing how the inability of the child to attend 45146
school or a special education program ~~or the qualifications of-~~ 45147
~~the person instructing the child at home were determined.~~ All 45148
such excuses shall become void and subject to recall upon the 45149
removal of the disability of the child ~~or the cessation of-~~ 45150
~~proper home instruction;~~ and thereupon the child or the child's 45151
parents may be proceeded against after due notice whether such 45152
excuse be recalled or not. 45153

(B) ~~The state board-~~ department of education and workforce 45154
may adopt rules authorizing the superintendent of schools of the 45155
district in which the child resides to excuse a child over 45156
fourteen years of age from attendance for a future limited 45157
period for the purpose of performing necessary work directly and 45158
exclusively for the child's parents or legal guardians. 45159

All excuses provided for in divisions (A) and (B) of this 45160
section shall be in writing and shall show the reason for 45161
excusing the child. A copy thereof shall be sent to the person 45162
in charge of the child. 45163

(C) The board of education of the school district or the 45164
governing authorities of a private or parochial school may in 45165
the rules governing the discipline in such schools, prescribe 45166
the authority by which and the manner in which any child may be 45167
excused for absence from such school for good and sufficient 45168
reasons. 45169

The ~~state board of education department~~ may by rule 45170
prescribe conditions governing the issuance of excuses, which 45171
shall be binding upon the authorities empowered to issue them. 45172

Sec. 3321.042. (A) A child is exempt from compulsory 45173
school attendance when receiving home education in the subject 45174
areas of English language arts, mathematics, science, history 45175
and government, and social studies as supervised and directed by 45176
the child's parent. Upon the commencement of home education or 45177
when moving into a new district, and annually thereafter within 45178
five days of the start of school in the child's school district 45179
of residence, the parent shall file a notice with the 45180
superintendent of the child's school district of residence. The 45181
notice shall include the parent's name and address, the child's 45182
name, and an assurance the child will receive instruction in the 45183
required subjects. Upon receipt of the notice, the exemption 45184
takes immediate effect, and the superintendent shall send a 45185
letter of acknowledgment to the parent. 45186

(B) A student that enrolls in a public school following 45187
any period of home education shall be placed in the appropriate 45188
grade level based on the policies of the student's resident 45189
school district. 45190

Sec. 3321.07. If any child attends upon instruction 45191
elsewhere than in a public school such instruction shall be in a 45192
school which conforms to the minimum standards prescribed by the 45193
~~state board director of education and workforce~~. The hours and 45194
term of attendance exacted shall be equivalent to the hours and 45195
term of attendance required of children in the public schools of 45196
the district. This section does not require a child to attend a 45197
high school instead of a vocational, commercial, or other 45198
special type of school, provided the instruction therein is for 45199

a term and for hours equivalent to those of the high school, and 45200
provided ~~his~~ the child's attendance at such school will not 45201
interfere with a continuous program of education for the child 45202
to the age of sixteen. 45203

Sec. 3321.09. Attendance at a part-time school or class 45204
provided by an employer, by a partnership, corporation, or 45205
individual, by a private or parochial school, by a college, or 45206
by a philanthropic or similar agency shall serve in lieu of 45207
attendance at a part-time school or class provided by a board of 45208
education in case the given school or class is conducted for 45209
substantially a term and hours equivalent to those of the part- 45210
time schools or classes provided by the local board, and in case 45211
the school or class is approved by the ~~state board~~ department of 45212
education and workforce. When such school or class is conducted 45213
within or in connection with the establishment in which the 45214
child is working the obligation of attendance at part-time 45215
school or class indicated in section 3321.08 of the Revised 45216
Code, shall apply to the children holding age and schooling 45217
certificates who are employed in the given establishment 45218
regardless of the accessibility of public part-time schools or 45219
classes. 45220

Sec. 3321.12. Notwithstanding division (D) of section 45221
3311.19 and division (D) of section 3311.52 of the Revised Code, 45222
the provisions of this section that require reporting to the 45223
treasurer of a city school district do not require reporting to 45224
the treasurer of any joint vocational or cooperative education 45225
school district. 45226

The principal or teacher in charge of any public, private, 45227
or parochial school, shall report to the treasurer of the board 45228
of education of the city, local, or exempted village school 45229

district in which the school is situated, the names, ages, and 45230
places of residence of all pupils below eighteen years of age in 45231
attendance at their schools together with such other facts as 45232
said treasurer requires to facilitate the carrying out of the 45233
laws relating to compulsory education and the employment of 45234
minors. Such report shall be made within the first two weeks of 45235
the beginning of school in each school year, and shall be 45236
corrected with the entry of such items as are prescribed by the 45237
~~state board department~~ of education and workforce within the 45238
first week of each subsequent school month of the year. 45239

Nothing in this section shall require any person to 45240
release, or to permit access to, public school records in 45241
violation of section 3319.321 of the Revised Code. 45242

Sec. 3321.13. (A) Whenever any child of compulsory school 45243
age withdraws from school the teacher of that child shall 45244
ascertain the reason for withdrawal. The fact of the withdrawal 45245
and the reason for it shall be immediately transmitted by the 45246
teacher to the superintendent of the city, local, or exempted 45247
village school district. If the child who has withdrawn from 45248
school has done so because of change of residence, the next 45249
residence shall be ascertained and shall be included in the 45250
notice thus transmitted. The superintendent shall thereupon 45251
forward a card showing the essential facts regarding the child 45252
and stating the place of the child's new residence to the 45253
superintendent of schools of the district to which the child has 45254
moved. 45255

The ~~superintendent of public instruction department of~~ 45256
education and workforce may prescribe the forms to be used in 45257
the operation of this division. 45258

(B) (1) Upon receipt of information that a child of 45259

compulsory school age has withdrawn from school for a reason 45260
other than because of change of residence and is not enrolled in 45261
and attending in accordance with school policy an approved 45262
program to obtain a diploma or its equivalent, the district 45263
superintendent shall notify the registrar of motor vehicles and 45264
the juvenile judge of the county in which the district is 45265
located of the withdrawal and failure to enroll in and attend an 45266
approved program to obtain a diploma or its equivalent. A 45267
notification to the registrar required by this division shall be 45268
given in the manner the registrar by rule requires and a 45269
notification to the juvenile judge required by this division 45270
shall be given in writing. Each notification shall be given 45271
within two weeks after the withdrawal and failure to enroll in 45272
and attend an approved program or its equivalent. 45273

(2) The board of education of a school district may adopt 45274
a resolution providing that the provisions of division (B) (2) of 45275
this section apply within the district. The provisions of 45276
division (B) (2) of this section do not apply within any school 45277
district, and no superintendent of a school district shall send 45278
a notification of the type described in division (B) (2) of this 45279
section to the registrar of motor vehicles or the juvenile judge 45280
of the county in which the district is located, unless the board 45281
of education of the district has adopted such a resolution. If 45282
the board of education of a school district adopts a resolution 45283
providing that the provisions of division (B) (2) of this section 45284
apply within the district, and if the superintendent of schools 45285
of that district receives information that, during any semester 45286
or term, a child of compulsory school age has been absent 45287
without legitimate excuse from the school the child is supposed 45288
to attend for more than sixty consecutive hours in a single 45289
month or for at least ninety hours in a school year, the 45290

superintendent shall notify the child and the child's parent, 45291
guardian, or custodian, in writing, that the information has 45292
been provided to the superintendent, that as a result of that 45293
information the child's temporary instruction permit or driver's 45294
license will be suspended or the opportunity to obtain such a 45295
permit or license will be denied, and that the child and the 45296
child's parent, guardian, or custodian may appear in person at a 45297
scheduled date, time, and place before the superintendent or a 45298
designee to challenge the information provided to the 45299
superintendent. 45300

The notification to the child and the child's parent, 45301
guardian, or custodian required by division (B)(2) of this 45302
section shall set forth the information received by the 45303
superintendent and shall inform the child and the child's 45304
parent, guardian, or custodian of the scheduled date, time, and 45305
place of the appearance that they may have before the 45306
superintendent or a designee. The date scheduled for the 45307
appearance shall be no earlier than three and no later than five 45308
days after the notification is given, provided that an extension 45309
may be granted upon request of the child or the child's parent, 45310
guardian, or custodian. If an extension is granted, the 45311
superintendent shall schedule a new date, time, and place for 45312
the appearance and shall inform the child and the child's 45313
parent, guardian, or custodian of the new date, time, and place. 45314

If the child and the child's parent, guardian, or 45315
custodian do not appear before the superintendent or a designee 45316
on the scheduled date and at the scheduled time and place, or if 45317
the child and the child's parent, guardian, or custodian appear 45318
before the superintendent or a designee on the scheduled date 45319
and at the scheduled time and place but the superintendent or a 45320
designee determines that the information the superintendent 45321

received indicating that, during the semester or term, the child 45322
had been absent without legitimate excuse from the school the 45323
child was supposed to attend for more than sixty consecutive 45324
hours or for at least ninety total hours, the superintendent 45325
shall notify the registrar of motor vehicles and the juvenile 45326
judge of the county in which the district is located that the 45327
child has been absent for that period of time and that the child 45328
does not have any legitimate excuse for the habitual absence. A 45329
notification to the registrar required by this division shall be 45330
given in the manner the registrar by rule requires and a 45331
notification to the juvenile judge required by this division 45332
shall be given in writing. Each notification shall be given 45333
within two weeks after the receipt of the information of the 45334
habitual absence from school without legitimate excuse, or, if 45335
the child and the child's parent, guardian, or custodian appear 45336
before the superintendent or a designee to challenge the 45337
information, within two weeks after the appearance. 45338

For purposes of division (B) (2) of this section, a 45339
legitimate excuse for absence from school includes, but is not 45340
limited to, the fact that the child in question has enrolled in 45341
another school or school district in this or another state, the 45342
fact that the child in question was excused from attendance for 45343
any of the reasons specified in section 3321.04 or 3321.042 of 45344
the Revised Code, or the fact that the child in question has 45345
received an age and schooling certificate in accordance with 45346
section 3331.01 of the Revised Code. 45347

(3) Whenever a pupil is suspended or expelled from school 45348
pursuant to section 3313.66 of the Revised Code and the reason 45349
for the suspension or expulsion is the use or possession of 45350
alcohol, a drug of abuse, or alcohol and a drug of abuse, the 45351
superintendent of schools of that district may notify the 45352

registrar and the juvenile judge of the county in which the 45353
district is located of such suspension or expulsion. Any such 45354
notification of suspension or expulsion shall be given to the 45355
registrar, in the manner the registrar by rule requires and 45356
shall be given to the juvenile judge in writing. The 45357
notifications shall be given within two weeks after the 45358
suspension or expulsion. 45359

(4) Whenever a pupil is suspended, expelled, removed, or 45360
permanently excluded from a school for misconduct included in a 45361
policy that the board of education of a city, exempted village, 45362
or local school district has adopted under division (A) of 45363
section 3313.661 of the Revised Code, and the misconduct 45364
involves a firearm or a knife or other weapon as defined in that 45365
policy, the superintendent of schools of that district shall 45366
notify the registrar and the juvenile judge of the county in 45367
which the district is located of the suspension, expulsion, 45368
removal, or permanent exclusion. The notification shall be given 45369
to the registrar in the manner the registrar, by rule, requires 45370
and shall be given to the juvenile judge in writing. The 45371
notifications shall be given within two weeks after the 45372
suspension, expulsion, removal, or permanent exclusion. 45373

(C) A notification of withdrawal, habitual absence without 45374
legitimate excuse, suspension, or expulsion given to the 45375
registrar or a juvenile judge under division (B)(1), (2), (3), 45376
or (4) of this section shall contain the name, address, date of 45377
birth, school, and school district of the child. If the 45378
superintendent finds, after giving a notification of withdrawal, 45379
habitual absence without legitimate excuse, suspension, or 45380
expulsion to the registrar and the juvenile judge under division 45381
(B)(1), (2), (3), or (4) of this section, that the notification 45382
was given in error, the superintendent immediately shall notify 45383

the registrar and the juvenile judge of that fact. 45384

Sec. 3321.18. The attendance officer provided for by 45385
section 3321.14 or 3321.15 of the Revised Code shall institute 45386
proceedings against any officer, parent, guardian, or other 45387
person violating laws relating to compulsory education and the 45388
employment of minors, and otherwise discharge the duties 45389
described in sections 3321.14 to 3321.21 of the Revised Code, 45390
and perform any other service that the superintendent of schools 45391
or board of education of the district by which the attendance 45392
officer is employed considers necessary to preserve the morals 45393
and secure the good conduct of school children, and to enforce 45394
those laws. 45395

The attendance officer shall be furnished with copies of 45396
the enumeration in each school district in which the attendance 45397
officer serves and of the lists of pupils enrolled in the 45398
schools and shall report to the superintendent discrepancies 45399
between these lists and the enumeration. 45400

The attendance officer and assistants shall cooperate with 45401
the director of commerce in enforcing the laws relating to the 45402
employment of minors. The attendance officer shall furnish upon 45403
request any data that the attendance officer and the attendance 45404
officer's assistants have collected in their reports of children 45405
from six to eighteen years of age and also concerning employers 45406
to the director and upon request to the ~~state board department~~ 45407
of education and workforce. The attendance officer shall keep a 45408
record of the attendance officer's transactions for the 45409
inspection and information of the superintendent of schools and 45410
the board of education; and shall make reports to the 45411
superintendent of schools as often as required by the 45412
superintendent. The ~~state board of education department~~ may 45413

prescribe forms for the use of attendance officers in the 45414
performance of their duties. The blank forms and record books or 45415
indexes shall be furnished to the attendance officers by the 45416
boards of education by which they are employed. 45417

Sec. 3321.19. (A) As used in this section and section 45418
3321.191 of the Revised Code, "habitual truant" has the same 45419
meaning as in section 2151.011 of the Revised Code. 45420

(B) When a board of education of any city, exempted 45421
village, local, joint vocational, or cooperative education 45422
school district or the governing board of any educational 45423
service center determines that a student in its district has 45424
been truant and the parent, guardian, or other person having 45425
care of the child has failed to cause the student's attendance 45426
at school, the board may require the parent, guardian, or other 45427
person having care of the child pursuant to division (B) of this 45428
section to attend an educational program established pursuant to 45429
rules adopted by the ~~state board~~ department of education and 45430
workforce for the purpose of encouraging parental involvement in 45431
compelling the attendance of the child at school. 45432

No parent, guardian, or other person having care of a 45433
child shall fail without good cause to attend an educational 45434
program described in this division if the parent, guardian, or 45435
other person has been served notice pursuant to division (C) of 45436
this section. 45437

(C) On the request of the superintendent of schools, the 45438
superintendent of any educational service center, the board of 45439
education of any city, exempted village, local, joint 45440
vocational, or cooperative education school district, or the 45441
governing board of any educational service center or when it 45442
otherwise comes to the notice of the attendance officer or other 45443

appropriate officer of the school district, the attendance 45444
officer or other appropriate officer shall examine into any case 45445
of supposed truancy within the district and shall warn the 45446
child, if found truant, and the child's parent, guardian, or 45447
other person having care of the child, in writing, of the legal 45448
consequences of being truant. When any child of compulsory 45449
school age, in violation of law, is not attending school, the 45450
attendance or other appropriate officer shall notify the parent, 45451
guardian, or other person having care of that child of the fact, 45452
and require the parent, guardian, or other person to cause the 45453
child to attend school immediately. The parent, guardian, or 45454
other person having care of the child shall cause the child's 45455
attendance at school. Upon the failure of the parent, guardian, 45456
or other person having care of the child to do so, the 45457
attendance officer or other appropriate officer, if so directed 45458
by the superintendent, the district board, or the educational 45459
service center governing board, shall send notice requiring the 45460
attendance of that parent, guardian, or other person at a 45461
parental education program established pursuant to division (B) 45462
of this section and, subject to divisions (D) and (E) of this 45463
section, may file a complaint against the parent, guardian, or 45464
other person having care of the child in any court of competent 45465
jurisdiction. 45466

(D) (1) Upon the failure of the parent, guardian, or other 45467
person having care of the child to cause the child's attendance 45468
at school, if the child is considered an habitual truant, the 45469
board of education of the school district or the governing board 45470
of the educational service center, within ten days, subject to 45471
division (E) of this section, shall assign the student to an 45472
absence intervention team as described in division (C) of 45473
section 3321.191 of the Revised Code. 45474

(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code.

(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, the attendance officer shall file a complaint, provided that the conditions described in division (B) of section 3321.16 of the Revised Code are satisfied.

Sec. 3321.191. (A) Effective beginning with the 2017-2018 school year, the board of education of each city, exempted village, local, joint vocational, and cooperative education school district and the governing board of each educational service center shall adopt a new or amended policy to guide employees of the school district or service center in addressing

and ameliorating student absences. In developing the policy, the appropriate board shall consult with the judge of the juvenile court of the county or counties in which the district or service center is located, with the parents, guardians, or other persons having care of the pupils attending school in the district, and with appropriate state and local agencies.

(B) The policy developed under division (A) of this section shall include as an intervention strategy all of the following actions, if applicable:

(1) Providing a truancy intervention plan for any student who is excessively absent from school, as described in the first paragraph of division (C) of this section;

(2) Providing counseling for an habitual truant;

(3) Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend parental involvement programs, including programs adopted under section 3313.472 or 3313.663 of the Revised Code;

(4) Requesting or requiring a parent, guardian, or other person having care of an habitual truant to attend truancy prevention mediation programs;

(5) Notification of the registrar of motor vehicles under section 3321.13 of the Revised Code;

(6) Taking legal action under section 2919.222, 3321.20, or 3321.38 of the Revised Code.

(C) (1) In the event that a child of compulsory school age is absent with a nonmedical excuse or without legitimate excuse from the public school the child is supposed to attend for thirty-eight or more hours in one school month, or sixty-five or

more hours in a school year, the attendance officer of that 45534
school shall notify the child's parent, guardian, or custodian 45535
of the child's absences, in writing, within seven days after the 45536
date after the absence that triggered the notice requirement. At 45537
the time notice is given, the school also may take any 45538
appropriate action as an intervention strategy contained in the 45539
policy developed by the board pursuant to division (A) of this 45540
section. 45541

(2) (a) If the absences of a student surpass the threshold 45542
for an habitual truant as set forth in section 2151.011 of the 45543
Revised Code, the principal or chief administrator of the school 45544
or the superintendent of the school district shall assign the 45545
student to an absence intervention team. Within fourteen school 45546
days after the assignment of a student to an absence 45547
intervention team, the team shall develop an intervention plan 45548
for that student in an effort to reduce or eliminate further 45549
absences. Each intervention plan shall vary based on the 45550
individual needs of the student, but the plan shall state that 45551
the attendance officer shall file a complaint not later than 45552
sixty-one days after the date the plan was implemented, if the 45553
child has refused to participate in, or failed to make 45554
satisfactory progress on, the intervention plan or an 45555
alternative to adjudication under division (C) (2) (b) of section 45556
3321.191 of the Revised Code. Within seven days after the 45557
development of the plan, the school district or school shall 45558
make reasonable efforts to provide the student's parent, 45559
guardian, custodian, guardian ad litem, or temporary custodian 45560
with written notice of the plan. 45561

(b) As part of the absence intervention plan described in 45562
division (C) (2) of this section, the school district or school, 45563
in its discretion, may contact the appropriate juvenile court 45564

and ask to have a student informally enrolled in any alternative 45565
to adjudication described in division (G) of section 2151.27 of 45566
the Revised Code. If the school district or school chooses to 45567
have students informally enrolled in an alternative to 45568
adjudication, the school district or school shall develop a 45569
written policy regarding the use of, and selection process for, 45570
offering alternatives to adjudication to ensure fairness. 45571

(c) The superintendent of each school district, or the 45572
superintendent's designee, shall establish an absence 45573
intervention team for the district to be used by any schools of 45574
the district that do not establish their own absence 45575
intervention team as permitted under division (C) (2) (d) of this 45576
section. Membership of each absence intervention team may vary 45577
based on the needs of each individual student but shall include 45578
a representative from the child's school district or school, 45579
another representative from the child's school district or 45580
school who knows the child, and the child's parent or parent's 45581
designee, or the child's guardian, custodian, guardian ad litem, 45582
or temporary custodian. The team also may include a school 45583
psychologist, counselor, social worker, or representative of a 45584
public or nonprofit agency designed to assist students and their 45585
families in reducing absences. 45586

(d) The principal or chief administrator of each school 45587
may establish an absence intervention team or series of teams to 45588
be used in lieu of the district team established pursuant to 45589
division (C) (2) (c) of this section. Membership of each absence 45590
intervention team may vary based on the needs of each individual 45591
student but shall include a representative from the child's 45592
school district or school, another representative from the 45593
child's school district or school who knows the child, and the 45594
child's parent or parent's designee, or the child's guardian, 45595

custodian, guardian ad litem, or temporary custodian. The team 45596
also may include a school psychologist, counselor, social 45597
worker, or representative of a public or nonprofit agency 45598
designed to assist students and their families in reducing 45599
absences. 45600

(e) A superintendent, as described in division (C) (2) (c) 45601
of this section, or principal or chief administrator, as 45602
described in division (C) (2) (d) of this section, shall select 45603
the members of an absence intervention team within seven school 45604
days of the triggering event described in division (C) (2) (a) of 45605
this section. The superintendent, principal, or chief 45606
administrator, within the same period of seven school days, 45607
shall make at least three meaningful, good faith attempts to 45608
secure the participation of the student's parent, guardian, 45609
custodian, guardian ad litem, or temporary custodian on that 45610
team. If the student's parent responds to any of those attempts, 45611
but is unable to participate for any reason, the representative 45612
of the school district shall inform the parent of the parent's 45613
right to appear by designee. If seven school days elapse and the 45614
student's parent, guardian, custodian, guardian ad litem, or 45615
temporary custodian fails to respond to the attempts to secure 45616
participation, the school district or school shall do both of 45617
the following: 45618

(i) Investigate whether the failure to respond triggers 45619
mandatory reporting to the public children services agency for 45620
the county in which the child resides in the manner described in 45621
section 2151.421 of the Revised Code; 45622

(ii) Instruct the absence intervention team to develop an 45623
intervention plan for the child notwithstanding the absence of 45624
the child's parent, guardian, custodian, guardian ad litem, or 45625

temporary custodian. 45626

(f) In the event that a student becomes habitually truant 45627
within twenty-one school days prior to the last day of 45628
instruction of a school year, the school district or school may, 45629
in its discretion, assign one school official to work with the 45630
child's parent, guardian, custodian, guardian ad litem, or 45631
temporary custodian to develop an absence intervention plan 45632
during the summer. If the school district or school selects this 45633
method, the plan shall be implemented not later than seven days 45634
prior to the first day of instruction of the next school year. 45635
In the alternative, the school district or school may toll the 45636
time periods to accommodate for the summer months and reconvene 45637
the absence intervention process upon the first day of 45638
instruction of the next school year. 45639

(3) For purposes of divisions (C) (2) (c) and (d) of this 45640
section, the ~~state board~~ department of education and workforce 45641
shall develop a format for parental permission to ensure 45642
compliance with the "Family Educational Rights and Privacy Act 45643
of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 45644
regulations promulgated under that act, and section 3319.321 of 45645
the Revised Code. 45646

(D) Each school district or school may consult or partner 45647
with public and nonprofit agencies to provide assistance as 45648
appropriate to students and their families in reducing absences. 45649

(E) Beginning with the 2017-2018 school year, each school 45650
district shall report to the ~~department of education~~, as soon as 45651
practicable, and in a format and manner determined by the 45652
department, any of the following occurrences: 45653

(1) When a notice required by division (C) (1) of this 45654

section is submitted to a parent, guardian, or custodian; 45655

(2) When a child of compulsory school age has been absent 45656
without legitimate excuse from the public school the child is 45657
supposed to attend for thirty or more consecutive hours, forty- 45658
two or more hours in one school month, or seventy-two or more 45659
hours in a school year; 45660

(3) When a child of compulsory school age who has been 45661
adjudicated an unruly child for being an habitual truant 45662
violates the court order regarding that adjudication; 45663

(4) When an absence intervention plan has been implemented 45664
for a child under this section. 45665

(F) Nothing in this section shall be construed to limit 45666
the duty or authority of a district board of education or 45667
governing body of an educational service center to develop other 45668
policies related to truancy or to limit the duty or authority of 45669
any employee of the school district or service center to respond 45670
to pupil truancy. However, a board shall be subject to the 45671
prohibition against suspending, expelling, or otherwise 45672
preventing a student from attending school for excessive 45673
absences as prescribed by section 3313.668 of the Revised Code. 45674

Sec. 3323.01. As used in this chapter: 45675

(A) "Child with a disability" means a child who is at 45676
least three years of age and less than twenty-two years of age; 45677
who has an intellectual disability, a hearing impairment 45678
(including deafness), a speech or language impairment, a visual 45679
impairment (including blindness), a serious emotional 45680
disturbance, an orthopedic impairment, autism, traumatic brain 45681
injury, an other health impairment, a specific learning 45682
disability (including dyslexia), deaf-blindness, or multiple 45683

disabilities; and who, by reason thereof, needs special 45684
education and related services. 45685

A "child with a disability" may include a child who is at 45686
least three years of age and less than six years of age; who is 45687
experiencing developmental delays, as defined by standards 45688
adopted by the ~~state board~~ department of education and workforce 45689
and as measured by appropriate diagnostic instruments and 45690
procedures in one or more of the following areas: physical 45691
development, cognitive development, communication development, 45692
social or emotional development, or adaptive development; and 45693
who, by reason thereof, needs special education and related 45694
services. 45695

(B) "Free appropriate public education" means special 45696
education and related services that meet all of the following: 45697

(1) Are provided at public expense, under public 45698
supervision and direction, and without charge; 45699

(2) Meet the standards of the ~~state board of education~~ 45700
department; 45701

(3) Include an appropriate preschool, elementary, or 45702
secondary education as otherwise provided by the law of this 45703
state; 45704

(4) Are provided for each child with a disability in 45705
conformity with the child's individualized education program. 45706

(C) "Homeless children" means "homeless children and 45707
youths" as defined in section 725 of the "McKinney-Vento 45708
Homeless Assistance Act," 42 U.S.C. 11434a. 45709

(D) "Individualized education program" or "IEP" means the 45710
written statement described in section 3323.011 of the Revised 45711

Code.	45712
(E) "Individualized education program team" or "IEP team"	45713
means a group of individuals composed of:	45714
(1) The parents of a child with a disability;	45715
(2) At least one regular education teacher of the child,	45716
if the child is or may be participating in the regular education	45717
environment;	45718
(3) At least one special education teacher, or where	45719
appropriate, at least one special education provider of the	45720
child;	45721
(4) A representative of the school district who meets all	45722
of the following:	45723
(a) Is qualified to provide, or supervise the provision	45724
of, specially designed instruction to meet the unique needs of	45725
children with disabilities;	45726
(b) Is knowledgeable about the general education	45727
curriculum;	45728
(c) Is knowledgeable about the availability of resources	45729
of the school district.	45730
(5) An individual who can interpret the instructional	45731
implications of evaluation results, who may be a member of the	45732
team as described in divisions (E) (2) to (4) of this section;	45733
(6) At the discretion of the parent or the school	45734
district, other individuals who have knowledge or special	45735
expertise regarding the child, including related services	45736
personnel as appropriate;	45737
(7) Whenever appropriate, the child with a disability.	45738

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

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

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

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

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

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

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

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

(J) "Related services" means transportation, and such 45768
developmental, corrective, and other supportive services 45769
(including speech-language pathology and audiology services, 45770
interpreting services, psychological services, physical and 45771
occupational therapy, recreation, including therapeutic 45772
recreation, school nurse services designed to enable a child 45773
with a disability to receive a free appropriate public education 45774
as described in the individualized education program of the 45775
child, counseling services, including rehabilitation counseling, 45776
orientation and mobility services, school health services, 45777
social work services in schools, and parent counseling and 45778
training, and medical services, except that such medical 45779
services shall be for diagnostic and evaluation purposes only) 45780
as may be required to assist a child with a disability to 45781
benefit from special education, and includes the early 45782
identification and assessment of disabling conditions in 45783
children. "Related services" does not include a medical device 45784
that is surgically implanted, or the replacement of such device. 45785

(K) "School district" means a city, local, or exempted 45786
village school district. 45787

(L) "School district of residence," as used in sections 45788
3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, 45789
means: 45790

(1) The school district in which the child's natural or 45791
adoptive parents reside; 45792

(2) If the school district specified in division (L)(1) of 45793
this section cannot be determined, the last school district in 45794
which the child's natural or adoptive parents are known to have 45795
resided if the parents' whereabouts are unknown; 45796

(3) If the school district specified in division ~~(M)~~(L)(2) 45797
of this section cannot be determined, the school district 45798
determined under section 2151.362 of the Revised Code, or if no 45799
district has been so determined, the school district as 45800
determined by the probate court of the county in which the child 45801
resides. 45802

(4) Notwithstanding divisions ~~(M)~~(L)(1) to (3) of this 45803
section, if a school district is required by section 3313.65 of 45804
the Revised Code to pay tuition for a child, that district shall 45805
be the child's school district of residence. 45806

(M) "Special education" means specially designed 45807
instruction, at no cost to parents, to meet the unique needs of 45808
a child with a disability. "Special education" includes 45809
instruction conducted in the classroom, in the home, in 45810
hospitals and institutions, and in other settings, including an 45811
early childhood education setting, and instruction in physical 45812
education. 45813

(N) "Student with a visual impairment" means any person 45814
who is less than twenty-two years of age and who has a visual 45815
impairment as that term is defined in this section. 45816

(O) "Transition services" means a coordinated set of 45817
activities for a child with a disability that meet all of the 45818
following: 45819

(1) Is designed to be within a results-oriented process, 45820
that is focused on improving the academic and functional 45821
achievement of the child with a disability to facilitate the 45822
child's movement from school to post-school activities, 45823
including post-secondary education; vocational education; 45824
integrated employment (including supported employment); 45825

continuing and adult education; adult services; independent living; or community participation; 45826
45827

(2) Is based on the individual child's needs, taking into account the child's strengths, preferences, and interests; 45828
45829

(3) Includes instruction, related services, community experiences, the development of employment and other post-school adult living objectives, and, when appropriate, acquisition of daily living skills and functional vocational evaluation. 45830
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"Transition services" for children with disabilities may be special education, if provided as specially designed instruction, or may be a related service, if required to assist a child with a disability to benefit from special education. 45834
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(P) "Visual impairment" for any individual means that one of the following applies to the individual: 45838
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(1) The individual has a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision in the better eye such that the widest diameter subtends an angular distance of no greater than twenty degrees. 45840
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(2) The individual has a medically indicated expectation of meeting the requirements of division (P) (1) of this section over a period of time. 45844
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(3) The individual has a medically diagnosed and medically uncorrectable limitation in visual functioning that adversely affects the individual's ability to read and write standard print at levels expected of the individual's peers of comparable ability and grade level. 45847
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(Q) "Ward of the state" has the same meaning as in section 602(36) of the "Individuals with Disabilities Education 45852
45853

Improvement Act of 2004," 20 U.S.C. 1401(36). 45854

Sec. 3323.011. As used in this chapter, "individualized 45855
education program" or "IEP" means a written statement for each 45856
child with a disability that is developed, reviewed, and revised 45857
in accordance with this definition and that includes: 45858

(A) A statement of the child's present levels of academic 45859
achievement and functional performance, including: 45860

(1) How the child's disability affects the child's 45861
involvement and progress in the general education curriculum; 45862

(2) For a preschool child with a disability, as 45863
appropriate, how the disability affects the child's 45864
participation in appropriate activities; 45865

(3) For a child with a disability who is not a preschool 45866
child and who will take alternate assessments aligned to 45867
alternate achievement standards, a description of benchmarks or 45868
short-term objectives. 45869

(B) A statement of measurable annual goals, including 45870
academic and functional goals and, at the discretion of the 45871
department of education and workforce, short-term instructional 45872
objectives that are designed to: 45873

(1) Meet the child's needs that result from the child's 45874
disability so as to enable the child to be involved in and make 45875
progress in the general education curriculum; 45876

(2) Meet each of the child's other educational needs that 45877
result from the child's disability. 45878

(C) A description of how the child's progress toward 45879
meeting the annual goals described pursuant to division (B) of 45880
this section will be measured and when periodic reports on the 45881

progress the child is making toward meeting the annual goals 45882
will be provided. Such reports may be quarterly or other 45883
periodic reports that are issued concurrent with the issuance of 45884
regular report cards. 45885

(D) A statement of the special education and related 45886
services and supplementary aids and services, based on peer- 45887
reviewed research to the extent practicable, to be provided to 45888
the child, or on behalf of the child, and a statement of the 45889
program modifications or supports for school personnel that will 45890
be provided for the child so that the child may: 45891

(1) Advance appropriately toward attaining the annual 45892
goals described pursuant to division (B) of this section; 45893

(2) Be involved in and make progress in the general 45894
education curriculum and participate in extracurricular and 45895
other nonacademic activities; 45896

(3) Be educated with and participate with both other 45897
children with disabilities and nondisabled children in the 45898
specific activities described pursuant to division (D) of this 45899
section. 45900

(E) An explanation of the extent, if any, to which the 45901
child will not participate with nondisabled children in the 45902
regular class, including an early childhood education setting, 45903
and in the activities described pursuant to division (D) of this 45904
section; 45905

(F) A statement of any individual appropriate 45906
accommodations that are necessary to measure the academic 45907
achievement and functional performance of the child on state and 45908
districtwide assessments consistent with section 612(a)(16) of 45909
the "Individuals with Disabilities Education Improvement Act of 45910

2004," 20 U.S.C. 1412(a)(16). If the IEP team determines that 45911
the child shall take an alternate assessment on a particular 45912
state or districtwide assessment of student achievement, the IEP 45913
shall contain a statement of why the child cannot participate in 45914
the regular assessment and why the particular alternate 45915
assessment selected is appropriate for the child. 45916

(G) The projected date for the beginning of the services 45917
and modifications described pursuant to division (D) of this 45918
section and the anticipated frequency, location, and duration of 45919
those services and modifications; 45920

(H) Beginning not later than the first IEP to be in effect 45921
when the child is fourteen years of age, and updated annually 45922
thereafter, a statement describing: 45923

(1) Appropriate measurable post-secondary goals based upon 45924
age-appropriate transition assessments related to training, 45925
education, and independent living skills; 45926

(2) Appropriate measurable post-secondary goals based on 45927
age-appropriate transition assessments related to employment in 45928
a competitive environment in which workers are integrated 45929
regardless of disability; 45930

(3) The transition services, including courses of study, 45931
needed to assist the child in reaching the goals described in 45932
divisions (H)(1) and (2) of this section. 45933

(I) Beginning not later than one year before the child 45934
reaches eighteen years of age, a statement that the child has 45935
been informed of the child's rights under Title XX of the United 45936
States Code that will transfer to the child on reaching eighteen 45937
years of age in accordance with section 615(m) of the 45938
"Individuals with Disabilities Education Improvement Act of 45939

2004," 20 U.S.C. 1415(m). 45940

Nothing in this section shall be construed to require that 45941
additional information be included in a child's IEP beyond the 45942
items explicitly required by this section and that the IEP team 45943
include information under one component of a child's IEP that is 45944
already contained under another component of the IEP. 45945

Sec. 3323.02. As used in this section, "IDEIA" means the 45946
"Individuals with Disabilities Education Improvement Act of 45947
2004," Pub. L. No. 108-446. 45948

It is the purpose of this chapter to ensure that all 45949
children with disabilities residing in this state who are at 45950
least three years of age and less than twenty-two years of age, 45951
including children with disabilities who have been suspended or 45952
expelled from school, have available to them a free appropriate 45953
public education. No school district, county board of 45954
developmental disabilities, or other educational agency shall 45955
receive state or federal funds for special education and related 45956
services unless those services for children with disabilities 45957
are provided in accordance with IDEIA and related provisions of 45958
the Code of Federal Regulations, the provisions of this chapter, 45959
rules and standards adopted by the ~~state board~~ department of 45960
education and workforce, and any procedures or guidelines issued 45961
by the ~~superintendent of public instruction~~ director of education 45962
and workforce. Any options or discretion provided to the state 45963
by IDEIA may be exercised in state law or in rules or standards 45964
adopted by the ~~state board of education~~ department. 45965

The ~~state board of education~~ department shall establish 45966
rules or standards for the provision of special education and 45967
related services for all children with disabilities who are at 45968
least three years of age and less than twenty-two years of age 45969

residing in the state, regardless of the severity of their 45970
disabilities, including children with disabilities who have been 45971
suspended or expelled from school. The state law and the rules 45972
or standards of the ~~state board of education department~~ may 45973
impose requirements that are not required by IDEIA or related 45974
provisions of the Code of Federal Regulations. The school 45975
district of residence is responsible, in all instances, for 45976
ensuring that the requirements of Part B of IDEIA are met for 45977
every eligible child in its jurisdiction, regardless of whether 45978
services are provided by another school district, other 45979
educational agency, or other agency, department, or entity, 45980
unless IDEIA or related provisions of the Code of Federal 45981
Regulations, another section of this chapter, or a rule adopted 45982
by the ~~state board of education department~~ specifies that 45983
another school district, other educational agency, or other 45984
agency, department, or entity is responsible for ensuring 45985
compliance with Part B of IDEIA. 45986

Notwithstanding division (A) (4) of section 3301.53 of the 45987
Revised Code and any rules adopted pursuant to that section and 45988
division (A) of section 3313.646 of the Revised Code, a board of 45989
education of a school district may provide special education and 45990
related services for preschool children with disabilities in 45991
accordance with this chapter and section 3301.52, divisions (A) 45992
(1) to (3) and (A) (5) and (6) of section 3301.53, and sections 45993
3301.54 to 3301.59 of the Revised Code. 45994

The ~~superintendent of public instruction department~~ may 45995
require any state or local agency to provide documentation that 45996
special education and related services for children with 45997
disabilities provided by the agency are in compliance with the 45998
requirements of this chapter. 45999

Not later than the first day of February of each year the ~~superintendent of public instruction department~~ shall furnish the chairpersons of the education committees of the house of representatives and the senate with a report on the status of implementation of special education and related services for children with disabilities required by this chapter. The report shall include but shall not be limited to the following items: the most recent available figures on the number of children identified as children with disabilities and the number of identified children receiving special education and related services. The information contained in these reports shall be public information.

Sec. 3323.021. As used in this section, "participating county board of developmental disabilities" means a county board of developmental disabilities electing to participate in the provision of or contracting for educational services for children under division (D) of section 5126.05 of the Revised Code.

(A) When a school district, educational service center, or participating county board of developmental disabilities enters into an agreement or contract with another school district, educational service center, or participating county board of developmental disabilities to provide educational services to a disabled child during a school year, both of the following shall apply:

(1) Beginning with fiscal year 1999, if the provider of the services intends to increase the amount it charges for some or all of those services during the next school year or if the provider intends to cease offering all or part of those services during the next school year, the provider shall notify the

entity for which the services are provided of these intended 46030
changes no later than the first day of March of the current 46031
fiscal year. 46032

(2) Beginning with fiscal year 1999, if the entity for 46033
which services are provided intends to cease obtaining those 46034
services from the provider for the next school year or intends 46035
to change the type or amount of services it obtains from the 46036
provider for the next school year, the entity shall notify the 46037
service provider of these intended changes no later than the 46038
first day of March of the current fiscal year. 46039

(B) School districts, educational service centers, 46040
participating county boards of developmental disabilities, and 46041
other applicable governmental entities shall collaborate where 46042
possible to maximize federal sources of revenue to provide 46043
additional funds for special education related services for 46044
disabled children. Annually, each school district shall report 46045
to the department of education and workforce any amounts of such 46046
federal revenue the district received. 46047

(C) The ~~state board~~ department of education and workforce, 46048
the department of developmental disabilities, and the department 46049
of medicaid shall develop working agreements for pursuing 46050
additional funds for services for disabled children. 46051

Sec. 3323.022. The rules of the ~~state board~~ department of 46052
education and workforce for staffing ratios for programs with 46053
preschool children with disabilities shall require the 46054
following: 46055

(A) A full-time staff member shall be provided when there 46056
are eight full-day or sixteen half-day preschool children 46057
eligible for special education enrolled in a center-based 46058

preschool special education program. 46059

(B) Staff ratios of one teacher for every eight children 46060
shall be maintained at all times for a program with a center- 46061
based teacher, and a second adult shall be present when there 46062
are nine or more children, including nondisabled children 46063
enrolled in a class session. 46064

(C) Unless otherwise specified in the individualized 46065
education program, a minimum of ten hours of services per week 46066
shall be provided for each child served by a center-based 46067
teacher. 46068

Sec. 3323.03. The ~~state board~~ department of education and 46069
workforce shall, in consultation with the department of health, 46070
the department of mental health and addiction services, and the 46071
department of developmental disabilities, establish standards 46072
and procedures for the identification, location, and evaluation 46073
of all children with disabilities residing in the state, 46074
including children with disabilities who are homeless children 46075
or are wards of the state and children with disabilities 46076
attending nonpublic schools, regardless of the severity of their 46077
disabilities, and who are in need of special education and 46078
related services. The ~~state board~~ department of education and 46079
workforce shall develop and implement a practical method to 46080
determine which children with disabilities are currently 46081
receiving needed special education and related services. 46082

In conducting the evaluation, the board of education of 46083
each school district shall use a variety of assessment tools and 46084
strategies to gather relevant functional, developmental, and 46085
academic information about the child, including information 46086
provided by the child's parent. The board of education of each 46087
school district, in consultation with the county board of 46088

developmental disabilities, the county family and children first 46089
council, and the board of alcohol, drug addiction, and mental 46090
health services of each county in which the school district has 46091
territory, shall identify, locate, and evaluate all children 46092
with disabilities residing within the district to determine 46093
which children with disabilities are not receiving appropriate 46094
special education and related services. In addition, the board 46095
of education of each school district, in consultation with such 46096
county boards or council, shall identify, locate, and evaluate 46097
all children with disabilities who are enrolled by their parents 46098
in nonpublic elementary and secondary schools located within the 46099
public school district, without regard to where those children 46100
reside in accordance with rules ~~of the state board of education~~ 46101
or guidelines of the ~~superintendent of public instruction~~ 46102
department of education and workforce. 46103

Each county board of developmental disabilities, county 46104
family and children first council, and board of alcohol, drug 46105
addiction, and mental health services and the board's or 46106
council's contract agencies may transmit to boards of education 46107
the names and addresses of children with disabilities who are 46108
not receiving appropriate special education and related 46109
services. 46110

Sec. 3323.04. The ~~state board~~ department of education and 46111
workforce, in consultation with the department of mental health 46112
and addiction services and the department of developmental 46113
disabilities, shall establish procedures and standards for the 46114
development of individualized education programs for children 46115
with disabilities. 46116

The ~~state board~~ department of education and workforce 46117
shall require the board of education of each school district to 46118

develop an individualized education program for each child with 46119
a disability who is at least three years of age and less than 46120
twenty-two years of age residing in the district in a manner 46121
that is in accordance with rules of the ~~state board~~ department. 46122

Prior to the placement of a child with a disability in a 46123
program operated under section 3323.09 of the Revised Code, the 46124
district board of education shall consult the county board of 46125
developmental disabilities of the county in which the child 46126
resides regarding the proposed placement. 46127

A child with a disability enrolled in a nonpublic school 46128
or facility shall be provided special education and related 46129
services, in accordance with an individualized education 46130
program, at no cost for those services, if the child is placed 46131
in, or referred to, that nonpublic school or facility by the 46132
department of education and workforce or a school district. 46133

The IEP team shall review the individualized education 46134
program of each child with a disability periodically, but at 46135
least annually, to determine whether the annual goals for the 46136
child are being achieved, and shall revise the individualized 46137
education program as appropriate. 46138

The ~~state board~~ department of education and workforce 46139
shall establish procedures and standards to assure that to the 46140
maximum extent appropriate, children with disabilities, 46141
including children in public or private institutions or other 46142
care facilities, shall be educated with children who are not 46143
disabled. Special classes, separate schools, or other removal of 46144
children with disabilities from the regular educational 46145
environment shall be used only when the nature or severity of a 46146
child's disability is such that education in regular classes 46147
with supplementary aids and services cannot be achieved 46148

satisfactorily. 46149

If an agency directly affected by a placement decision 46150
objects to such decision, an impartial hearing officer, 46151
appointed by the department of education and workforce from a 46152
list prepared by the department, shall conduct a hearing to 46153
review the placement decision. The agencies that are parties to 46154
a hearing shall divide the costs of such hearing equally. The 46155
decision of the hearing officer shall be final, except that any 46156
party to the hearing who is aggrieved by the findings or the 46157
decision of the hearing officer may appeal the findings or 46158
decision in accordance with division (H) of section 3323.05 of 46159
the Revised Code or the parent of any child affected by such 46160
decision may present a complaint in accordance with that 46161
section. 46162

Sec. 3323.041. To the extent consistent with the number 46163
and location of children with disabilities in the state who are 46164
enrolled by their parents in nonpublic elementary and secondary 46165
schools in the school district served by a board of education of 46166
a school district, provision is made for the participation of 46167
those children in the program for the education of children with 46168
disabilities which is assisted or carried out under Part B of 46169
the "Individuals with Disabilities Education Improvement Act of 46170
2004, P.L." Pub. L. No. 108-446. The district in which the 46171
nonpublic elementary or secondary school is located shall 46172
provide for such children special education and related services 46173
in accordance with Section 612(a)(10) of the "Individuals with 46174
Disabilities Education Improvement Act of 2004," 20 U.S.C. 46175
1412(a)(10) and related provisions of the Code of Federal 46176
Regulations and in accordance with any rules adopted ~~by the~~ 46177
~~state board of education,~~ or guidelines issued, ~~by the~~ 46178
~~superintendent of public instruction,~~ department of education and 46179

workforce. 46180

Amounts to be expended for the provision of those 46181
services, including direct services to parentally placed 46182
nonpublic school children, by the school district shall be equal 46183
to a proportionate amount of federal funds made available under 46184
Part B of the "Individuals with Disabilities Education 46185
Improvement Act of 2004." The school district shall exercise the 46186
following responsibilities towards parentally placed children 46187
with disabilities who attend nonpublic schools located in the 46188
school district: child find, timely and meaningful consultation, 46189
written affirmation of timely and meaningful consultation, 46190
compliance, and provision of equitable services, as provided by 46191
the "Individuals with Disabilities Education Improvement Act of 46192
2004" and related provisions of the Code of Federal Regulations 46193
and in accordance with any rules adopted by ~~the state board of~~ 46194
~~education,~~ or guidelines issued by ~~the superintendent of public~~ 46195
~~instruction department.~~ 46196

Sec. 3323.05. The ~~state board department~~ of education and 46197
workforce shall establish procedures to ensure that children 46198
with disabilities and their parents are guaranteed procedural 46199
safeguards under this chapter with respect to a free appropriate 46200
public education. 46201

The procedures shall include, but need not be limited to: 46202

(A) An opportunity for the parents of a child with a 46203
disability to examine all records related to the child and to 46204
participate in meetings with respect to identification, 46205
evaluation, and educational placement of the child, and to 46206
obtain an independent educational evaluation of the child; 46207

(B) Procedures to protect the rights of the child whenever 46208

the parents of the child are not known, an agency after making 46209
reasonable efforts cannot find the parents, or the child is a 46210
ward of the state, including the assignment of an individual to 46211
act as a surrogate for the parents made by the school district 46212
or other educational agency responsible for educating the child 46213
or by the court with jurisdiction over the child's custody. Such 46214
assignment shall be made in accordance with section 3323.051 of 46215
the Revised Code. 46216

(C) Prior written notice to the child's parents of a 46217
school district's proposal or refusal to initiate or change the 46218
identification, evaluation, or educational placement of the 46219
child or the provision of a free appropriate education for the 46220
child. The procedures established under this division shall: 46221

(1) Be designed to ensure that the written prior notice is 46222
in the native language of the parents, unless it clearly is not 46223
feasible to do so. 46224

(2) Specify that the prior written notice shall include: 46225

(a) A description of the action proposed or refused by the 46226
district; 46227

(b) An explanation of why the district proposes or refuses 46228
to take the action and a description of each evaluation 46229
procedure, assessment, record, or report the district used as a 46230
basis for the proposed or refused action; 46231

(c) A statement that the parents of a child with a 46232
disability have protection under the procedural safeguards and, 46233
if the notice is not in regard to an initial referral for 46234
evaluation, the means by which a copy of a description of the 46235
procedural safeguards can be obtained; 46236

(d) Sources for parents to contact to obtain assistance in 46237

understanding the provisions of Part B of the "Individuals with Disabilities Education Improvement Act of 2004"; 46238
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(e) A description of other options considered by the IEP team and the reason why those options were rejected; 46240
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(f) A description of the factors that are relevant to the agency's proposal or refusal. 46242
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(D) An opportunity for the child's parents to present complaints to the superintendent of the child's school district of residence with respect to any matter relating to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education under this chapter. 46244
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Within twenty school days after receipt of a complaint, the district superintendent or the superintendent's designee, without undue delay and at a time and place convenient to all parties, shall review the case, may conduct an administrative review, and shall notify all parties in writing of the superintendent's or designee's decision. Where the child is placed in a program operated by a county board of developmental disabilities or other educational agency, the superintendent shall consult with the administrator of that board or agency. 46250
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Any party aggrieved by the decision of the district superintendent or the superintendent's designee may file a complaint with the ~~state board department~~ as provided under division (E) of this section, request mediation as provided under division (F) of this section, or present a due process complaint notice and request for a due process hearing in writing to the superintendent of the district, with a copy to the ~~state board department~~, as provided under division (G) of 46259
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this section. 46267

(E) An opportunity for a party to file a complaint with 46268
the ~~state board of education department~~ with respect to the 46269
identification, evaluation, or educational placement of the 46270
child, or the provision of a free appropriate public education 46271
to such child. The department ~~of education~~ shall review and, 46272
where appropriate, investigate the complaint and issue findings. 46273

(F) An opportunity for parents and a school district to 46274
resolve through mediation disputes involving any matter. 46275

(1) The procedures established under this section shall 46276
ensure that the mediation process is voluntary on the part of 46277
the parties, is not used to deny or delay a parent's right to a 46278
due process hearing or to deny any other rights afforded under 46279
this chapter, and is conducted by a qualified and impartial 46280
mediator who is trained in effective mediation techniques. 46281

(2) A school district may establish procedures to offer to 46282
parents and schools that choose not to use the mediation 46283
process, an opportunity to meet, at a time and location 46284
convenient to the parents, with a disinterested party to 46285
encourage the use, and explain the benefits, of the mediation 46286
process to the parents. The disinterested party shall be an 46287
individual who is under contract with a parent training and 46288
information center or community parent resource center in the 46289
state or is under contract with an appropriate alternative 46290
dispute resolution entity. 46291

(3) The department shall maintain a list of individuals 46292
who are qualified mediators and knowledgeable in laws and 46293
regulations relating to the provision of special education and 46294
related services. 46295

(4) The department shall bear the cost of the mediation process, including the costs of meetings described in division (F) (2) of this section. 46296
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(5) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute. 46299
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(6) Discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. 46302
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(7) In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and that: 46305
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(a) States that all discussions that occurred during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding; 46309
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(b) Is signed by both the parent and a representative for the school district who has the authority to bind the district; 46313
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(c) Is enforceable in any state court of competent jurisdiction or in a district court of the United States. 46315
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(G) (1) An opportunity for parents or a school district to present a due process complaint and request for a due process hearing to the superintendent of the school district of the child's residence with respect to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child. 46317
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to the other party and forward a copy of the notice to the ~~state~~ board department. The due process complaint notice shall include:

(a) The name of the child, the address of the residence of the child, or the available contact information in the case of a homeless child, and the name of the school the child is attending;

(b) A description of the nature of the problem of the child relating to the proposed initiation or change, including facts relating to the problem;

(c) A proposed resolution of the problem to the extent known and available to the party at the time.

A party shall not have a due process hearing until the party, or the attorney representing the party, files a notice that meets the requirement for filing a due process complaint notice.

A due process hearing shall be conducted by an impartial hearing officer in accordance with standards and procedures adopted by the ~~state board~~ department. A hearing officer shall not be an employee of the ~~state board~~ department or any agency involved in the education or care of the child or a person having a personal or professional interest that conflicts with the person's objectivity in the hearing. A hearing officer shall possess knowledge of, and the ability to understand, the provisions of the "Individuals with Disabilities Education Improvement Act of 2004," federal and state regulations pertaining to that act, and legal interpretations of that act by federal and state courts; possess the knowledge and ability to conduct hearings in accordance with appropriate standard legal

practice; and possess the knowledge and ability to render and 46354
write decisions in accordance with appropriate standard legal 46355
practice. The due process requirements of section 615 of the 46356
"Individuals with Disabilities Education Improvement Act of 46357
2004," 20 U.S.C. 1415, apply to due process complaint notices 46358
and requests for due process hearings and to due process 46359
hearings held under division (G) of this section, including, but 46360
not limited to, timelines for requesting hearings, requirements 46361
for sufficient complaint notices, resolution sessions, and 46362
sufficiency and hearing decisions. 46363

(2) Discussions that occur during a resolution session 46364
shall be confidential and shall not be used as evidence in any 46365
subsequent due process hearing or civil proceeding. If a 46366
resolution to the dispute is reached at a resolution session, 46367
the parties must execute a legally binding written settlement 46368
agreement which shall state that all discussions that occurred 46369
during the resolution process shall be confidential and shall 46370
not be used as evidence in any subsequent due process hearing or 46371
civil proceeding. 46372

(3) A party to a hearing under division (G) of this 46373
section shall be accorded: 46374

(a) The right to be accompanied and advised by counsel and 46375
by individuals with special knowledge or training with respect 46376
to the problems of children with disabilities; 46377

(b) The right to present evidence and confront, cross- 46378
examine, and compel the attendance of witnesses; 46379

(c) The right to a written or electronic verbatim record 46380
of the hearing; 46381

(d) The right to written findings of fact and decisions, 46382

which findings of fact and decisions shall be made available to 46383
the public consistent with the requirements relating to the 46384
confidentiality of personally identifiable data, information, 46385
and records collected and maintained by state educational 46386
agencies and local educational agencies; and shall be 46387
transmitted to the advisory panel established and maintained by 46388
the department for the purpose of providing policy guidance with 46389
respect to special education and related services for children 46390
with disabilities in the state. 46391

(H) An opportunity for any party aggrieved by the findings 46392
and decision rendered in a hearing under division (G) of this 46393
section to appeal within forty-five days of notification of the 46394
decision to the ~~state board~~ department, which shall appoint a 46395
state level officer who shall review the case and issue a final 46396
order. The state level officer shall be appointed and shall 46397
review the case in accordance with standards and procedures 46398
adopted by the ~~state board~~ department. 46399

Any party aggrieved by the final order of the state level 46400
officer may appeal the final order, in accordance with Chapter 46401
119. of the Revised Code, within forty-five days after 46402
notification of the order to the court of common pleas of the 46403
county in which the child's school district of residence is 46404
located, or to a district court of the United States within 46405
ninety days after the date of the decision of the state level 46406
review officer, as provided in section 615(i) (2) of the 46407
"Individuals with Disabilities Education Improvement Act of 46408
2004," 20 U.S.C. 1415(i) (2). 46409

Sec. 3323.051. No individual shall be assigned to act as a 46410
surrogate for the parents of a child with a disability under 46411
division (B) of section 3323.05 of the Revised Code if the 46412

individual is an employee of the department of education and 46413
workforce or the school district or any other agency involved in 46414
the education or care of the child or if the individual has any 46415
interest that conflicts with the interests of the child. If a 46416
conflict of interest arises subsequent to the assignment of a 46417
surrogate, the authority that made the assignment shall 46418
terminate it and assign another surrogate. Neither the surrogate 46419
nor the authority that assigned the surrogate shall be liable in 46420
civil damages for acts of the surrogate unless such acts 46421
constitute willful or wanton misconduct. 46422

Sec. 3323.052. (A) The department of education and 46423
workforce shall develop a document that compares a parent's and 46424
child's rights under this chapter and 20 U.S.C. 1400 et seq. 46425
with the parent's and child's rights under the Jon Peterson 46426
special needs scholarship program, established in sections 46427
3310.51 to 3310.64 of the Revised Code, including the provisions 46428
of divisions (A) and (B) of section 3310.53 of the Revised Code. 46429
The department shall revise that document as necessary to 46430
reflect any pertinent changes in state or federal statutory law, 46431
rule, or regulation. 46432

(B) The department and each school district shall ensure 46433
that the document prescribed in division (A) of this section is 46434
included in, appended to, or otherwise distributed in 46435
conjunction with the notice required under 20 U.S.C. 1415(d), 46436
and any provision of the Code of Federal Regulations 46437
implementing that requirement, in the manner and at all the 46438
times specified for such notice in federal law or regulation. 46439

(C) In addition to the requirement prescribed by division 46440
(B) of this section, each time a child's school district 46441
completes an evaluation for a child with a disability or 46442

undertakes the development, review, or revision of the child's IEP, the district shall notify the child's parent, by letter or electronic means, about both the autism scholarship program, under section 3310.41 of the Revised Code, and the Jon Peterson special needs scholarship program, under sections 3310.51 to 3310.64 of the Revised Code. The notice shall include the following statement:

"Your child may be eligible for a scholarship under the Autism Scholarship Program or the Jon Peterson Special Needs Scholarship Program to attend a special education program that implements the child's individualized education program and that is operated by an alternative public provider or by a registered private provider."

The notice shall include the telephone number of the office of the department responsible for administering the scholarship programs and the specific location of scholarship information on the department's web site.

(D) As used in this section, a "child's school district" means the school district in which the child is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

Sec. 3323.06. (A) The ~~state board~~ department of education and workforce shall develop, implement, provide general supervision of, and assure compliance with a state plan for the following:

(1) The identification, location, and evaluation of all children with disabilities in the state;

(2) The provision of special education and related services to ensure a free appropriate public education for all

children with disabilities at least three years of age and less than twenty-two years of age, including children with disabilities who have been suspended or expelled from school;

(3) The availability of special education and related services for children with disabilities under three years of age, as authorized by division (C) of this section and as specified in rules of the ~~state board~~ department.

The state plan shall provide assurances that the ~~state board~~ department has in effect policies and procedures to ensure that the state meets the conditions specified in section 612 of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412.

(B) The ~~state board~~ department shall establish and maintain an advisory panel for the purpose of providing policy guidance with respect to special education and related services for children with disabilities in the state. A majority of the members of the panel shall be individuals with disabilities or parents of children with disabilities representing all ages, birth through twenty-six years of age. The advisory panel shall meet the requirements of section 612(a) (21) of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412(a) (21), and related provisions of the Code of Federal Regulations. The panel shall advise the Ohio department of education and workforce of unmet needs within the state in the education of children with disabilities; comment publicly on rules proposed by that department regarding the education of children with disabilities; advise that department in developing evaluations and reporting on data to the United States secretary of education under section 618 of the act, 20 U.S.C. 1418; advise the Ohio department in developing corrective action plans

to address findings identified in federal monitoring reports 46502
under Part B of the act; and advise the Ohio department in 46503
developing and implementing policies relating to the 46504
coordination of services for children with disabilities. 46505

(C) In addition to the policies and procedures authorized 46506
under division (A) of this section, the ~~state board department~~ 46507
may authorize school districts to establish and maintain special 46508
education and related services for children less than three 46509
years of age as specified in rules of the ~~state board~~ 46510
department. 46511

(D) In the exercise of its general supervisory 46512
responsibility, the ~~state board department~~ shall monitor the 46513
implementation of Part B of the "Individuals with Disabilities 46514
Education Improvement Act of 2004" by school districts. 46515
Monitoring activities shall include, but are not limited to, 46516
focused monitoring, investigations of complaints, and technical 46517
assistance. The primary focus of the ~~state board's department's~~ 46518
monitoring activities shall be improving educational results and 46519
functional outcomes for all children with disabilities and 46520
ensuring that the ~~state board department~~ meets the program 46521
requirements under Part B, with a particular emphasis on those 46522
requirements that are most closely related to improving 46523
educational results for children with disabilities. 46524

Sec. 3323.07. The ~~state board department~~ of education and 46525
workforce shall authorize the establishment and maintenance of 46526
special education and related services for all children with 46527
disabilities who are at least three years of age and less than 46528
twenty-two years of age, including children with disabilities 46529
who have been suspended or expelled from school, and may 46530
authorize special education and related services for children 46531

with disabilities who are less than three years of age in 46532
accordance with rules adopted by the ~~state board~~ department. The 46533
~~state board~~ department of education and workforce shall require 46534
the boards of education of school districts, shall authorize the 46535
department of mental health and addiction services and the 46536
department of developmental disabilities, and may authorize any 46537
other educational agency, to establish and maintain such special 46538
education and related services in accordance with standards 46539
adopted by the ~~state board~~ department of education and 46540
workforce. 46541

Sec. 3323.08. (A) Each school district shall submit a plan 46542
to the ~~superintendent of public instruction~~ department of 46543
education and workforce that provides assurances that the school 46544
district will provide for the education of children with 46545
disabilities within its jurisdiction and has in effect policies, 46546
procedures, and programs that are consistent with the policies 46547
and procedures adopted by the ~~state board of education~~ department 46548
in accordance with section 612 of the "Individuals with 46549
Disabilities Education Improvement Act of 2004," 20 U.S.C. 1412, 46550
and that meet the conditions applicable to school districts 46551
under section 613 of that act, 20 U.S.C. 1413. 46552

Each district's plan shall do all of the following: 46553

(1) Provide, as specified in section 3323.11 of the 46554
Revised Code and in accordance with standards established by the 46555
~~state board~~ department, for an organizational structure and 46556
necessary and qualified staffing and supervision for the 46557
identification of and provision of special education and related 46558
services for children with disabilities; 46559

(2) Provide, as specified by section 3323.03 of the 46560
Revised Code and in accordance with standards established by the 46561

~~state board department~~, for the identification, location, and 46562
evaluation of all children with disabilities residing in the 46563
district, including children with disabilities who are homeless 46564
children or are wards of the state and children with 46565
disabilities attending private schools and who are in need of 46566
special education and related services. A practical method shall 46567
be developed and implemented to determine which children with 46568
disabilities are currently receiving needed special education 46569
and related services. 46570

(3) Provide, as specified by section 3323.07 of the 46571
Revised Code and standards established by the ~~state board~~ 46572
~~department~~, for the establishment and maintenance of special 46573
education and related services for children with disabilities 46574
who are at least three years of age and less than twenty-two 46575
years of age, including children with disabilities who have been 46576
suspended or expelled from school. 46577

(4) Provide, as specified by section 3323.04 of the 46578
Revised Code and in accordance with standards adopted by the- 46579
~~state board department~~, for an individualized education program 46580
for each child with a disability who is at least three years of 46581
age and less than twenty-two years of age residing within the 46582
district; 46583

(5) Provide, as specified by section 3323.02 of the 46584
Revised Code and in accordance with standards established by the 46585
~~state board department~~, for special education and related 46586
services and a free appropriate public education for every child 46587
with a disability who is at least three years of age and less 46588
than twenty-two years of age, including children with 46589
disabilities who have been suspended or expelled from school; 46590

(6) Provide procedural safeguards and prior written notice 46591

as required under section 3323.05 of the Revised Code and the 46592
standards established by the ~~state board~~ department; 46593

(7) Outline the steps that have been or are being taken to 46594
comply with standards established by the ~~state board~~ department. 46595

(B) (1) A school district may arrange, by a cooperative 46596
agreement or contract with one or more school districts or with 46597
a cooperative education or joint vocational school district or 46598
an educational service center, to provide for the 46599
identification, location, and evaluation of children with 46600
disabilities, and to provide special education and related 46601
services for such children that meet the standards established 46602
by the ~~state board~~ department. A school district may arrange, by 46603
a cooperative agreement or contract, for the provision of 46604
related services for children with disabilities that meet the 46605
standards established by the ~~state board~~ department. 46606

(2) A school district shall arrange by interagency 46607
agreement with one or more school districts or with a 46608
cooperative education or joint vocational school district or an 46609
educational service center or other providers of early learning 46610
services to provide for the identification, location, evaluation 46611
of children with disabilities of ages birth through five years 46612
of age and for the transition of children with disabilities at 46613
age three in accordance with the standards established by the 46614
~~state board~~ department. A school district may arrange by 46615
interagency agreement with providers of early learning services 46616
to provide special education and related services for such 46617
children that meet the standards established by the ~~state board~~ 46618
department. 46619

(3) If at the time an individualized education program is 46620
developed for a child a school district is not providing special 46621

education and related services required by that individualized 46622
education program, the school district may arrange by contract 46623
with a nonpublic entity for the provision of the special 46624
education and related services, provided the special education 46625
and related services meet the standards for special education 46626
and related services established by the ~~state board~~ department 46627
and is provided within the state. 46628

(4) Any cooperative agreement or contract under division 46629
(B) (1) or (2) of this section involving a local school district 46630
shall be approved by the governing board of the educational 46631
service center which serves that district. 46632

(C) No plan of a local school district shall be submitted 46633
to the ~~superintendent of public instruction~~ department until it 46634
has been approved by the superintendent of the educational 46635
service center which serves that district. 46636

(D) Upon approval of a school district's plan by the 46637
~~superintendent of public instruction~~ department, the district 46638
shall immediately certify students for state funds under section 46639
3317.03 of the Revised Code to implement and maintain such plan. 46640
The district shall, in accordance with guidelines adopted by the 46641
~~state board~~ department, identify problems relating to the 46642
provision of qualified personnel and adequate facilities, and 46643
indicate the extent to which the cost of programs required under 46644
the plan will exceed anticipated state reimbursement. Each 46645
school district shall immediately implement the identification, 46646
location, and evaluation of children with disabilities in 46647
accordance with this chapter, and shall implement those parts of 46648
the plan involving placement and provision of special education 46649
and related services. 46650

Sec. 3323.09. (A) As used in this section: 46651

(1) "Home" has the meaning given in section 3313.64 of the Revised Code. 46652
46653

(2) "Preschool child" means a child who is at least age 46654
three but under age six on the thirtieth day of September of an 46655
academic year. 46656

(B) Each county board of developmental disabilities shall 46657
establish special education programs for all children with 46658
disabilities who in accordance with section 3323.04 of the 46659
Revised Code have been placed in special education programs 46660
operated by the county board and for preschool children who are 46661
developmentally delayed or at risk of being developmentally 46662
delayed. The board annually shall submit to the department of 46663
education and workforce a plan for the provision of these 46664
programs. The ~~superintendent of public instruction department~~ 46665
shall review the plan and approve or modify it in accordance 46666
with rules adopted ~~by the state board of education~~ under section 46667
3301.07 of the Revised Code. The ~~superintendent of public~~ 46668
~~instruction department~~ shall compile the plans submitted by 46669
county boards and shall submit a comprehensive plan to the state 46670
board. 46671

A county board of developmental disabilities may combine 46672
transportation for children enrolled in classes funded under 46673
sections 3317.0213 or 3317.20 with transportation for children 46674
and adults enrolled in programs and services offered by the 46675
board under Chapter 5126. of the Revised Code. 46676

(C) A county board of developmental disabilities that 46677
during the school year provided special education pursuant to 46678
this section for any child with mental disabilities under 46679
twenty-two years of age shall prepare and submit the following 46680
reports and statements: 46681

(1) The board shall prepare a statement for each child who
at the time of receiving such special education was a resident
of a home and was not in the legal or permanent custody of an
Ohio resident or a government agency in this state, and whose
natural or adoptive parents are not known to have been residents
of this state subsequent to the child's birth. The statement
shall contain the child's name, the name of the child's school
district of residence, the name of the county board providing
the special education, and the number of months, including any
fraction of a month, it was provided. Not later than the
thirtieth day of June, the board shall forward a certified copy
of such statement to both the director of developmental
disabilities and to the home.

Within thirty days after its receipt of a statement, the
home shall pay tuition to the county board computed in the
manner prescribed by section 3323.141 of the Revised Code.

(2) The board shall prepare a report for each school
district that is the school district of residence of one or more
of such children for whom statements are not required by
division (C)(1) of this section. The report shall contain the
name of the county board providing special education, the name
of each child receiving special education, the number of months,
including fractions of a month, that the child received it, and
the name of the child's school district of residence. Not later
than the thirtieth day of June, the board shall forward
certified copies of each report to the school district named in
the report, the ~~superintendent of public instruction~~department,
and the director of developmental disabilities.

Sec. 3323.091. (A) The department of mental health and
addiction services, the department of developmental

disabilities, the department of youth services, and the 46712
department of rehabilitation and correction shall establish and 46713
maintain special education programs for children with 46714
disabilities in institutions under their jurisdiction according 46715
to standards adopted by the ~~state board~~ department of education_ 46716
and workforce. 46717

(B) The superintendent of each state institution required 46718
to provide services under division (A) of this section may apply 46719
to the department of education and workforce for special 46720
education and related services funding for children with 46721
disabilities other than preschool children with disabilities, 46722
calculated in accordance with section 3317.201 of the Revised 46723
Code. 46724

Each county board of developmental disabilities providing 46725
special education for children with disabilities other than 46726
preschool children with disabilities may apply to the department 46727
of education and workforce for opportunity funds and special 46728
education and related services funding calculated in accordance 46729
with section 3317.20 of the Revised Code. 46730

(C) In addition to the authorization to apply for state 46731
funding described in division (B) of this section, each state 46732
institution required to provide services under division (A) of 46733
this section is entitled to tuition payments calculated in the 46734
manner described in division (C) of this section. 46735

On or before the thirtieth day of June of each year, the 46736
superintendent of each institution that during the school year 46737
provided special education pursuant to this section shall 46738
prepare a statement for each child with a disability under 46739
twenty-two years of age who has received special education. The 46740
statement shall contain the child's data verification code 46741

assigned pursuant to division (D) (2) of section 3301.0714 of the Revised Code and the name of the child's school district of residence. Within sixty days after receipt of such statement, the department of education and workforce shall perform one of the following:

(1) For any child except a preschool child with a disability described in division (C) (2) of this section, pay to the institution submitting the statement an amount equal to the tuition calculated under division (A) of section 3317.08 of the Revised Code for the period covered by the statement, and deduct the same from the amount of state funds, if any, payable under Chapter 3317. of the Revised Code, to the child's school district of residence or, if the amount of such state funds is insufficient, require the child's school district of residence to pay the institution submitting the statement an amount equal to the amount determined under this division.

(2) For any preschool child with a disability, perform the following:

(a) Pay to the institution submitting the statement an amount equal to the tuition calculated under division (B) of section 3317.08 of the Revised Code for the period covered by the statement, except that in calculating the tuition under that section the operating expenses of the institution submitting the statement under this section shall be used instead of the operating expenses of the school district of residence;

(b) Deduct from the amount of state funds, if any, payable under Chapter 3317. of the Revised Code to the child's school district of residence an amount equal to the amount paid under division (C) (2) (a) of this section.

Sec. 3323.13. (A) If a child who is a school resident of one school district receives special education from another district, the board of education of the district providing the education, subject to division (C) of this section, may require the payment by the board of education of the district of residence of a sum not to exceed one of the following, as applicable:

(1) For any child except a preschool child with a disability described in division (A)(2) of this section, the tuition of the district providing the education for a child of normal needs of the same school grade. The determination of the amount of such tuition shall be in the manner provided for by division (A) of section 3317.08 of the Revised Code.

(2) For any preschool child with a disability, the tuition of the district providing the education for the child as calculated under division (B) of section 3317.08 of the Revised Code.

(B) The board of the district of residence may contract with the board of another district for the transportation of such child into any school in such other district, on terms agreed upon by such boards. Upon direction of the ~~state board~~ department of education and workforce, the board of the district of residence shall pay for the child's transportation and the tuition.

(C) The board of education of a district providing the education for a child shall be entitled to require payment from the district of residence under this section or section 3323.14 of the Revised Code only if the district providing the education has done at least one of the following:

(1) Invited the district of residence to send 46800
representatives to attend the meetings of the team developing 46801
the child's individualized education program; 46802

(2) Received from the district of residence a copy of the 46803
individualized education program or a multifactored evaluation 46804
developed for the child by the district of residence; 46805

(3) Informed the district of residence in writing that the 46806
district is providing the education for the child. 46807

As used in division (C) (2) of this section, "multifactored 46808
evaluation" means an evaluation, conducted by a 46809
multidisciplinary team, of more than one area of the child's 46810
functioning so that no single procedure shall be the sole 46811
criterion for determining an appropriate educational program 46812
placement for the child. 46813

Sec. 3323.14. (A) Where a child who is a school resident 46814
of one school district receives special education from another 46815
district and the per capita cost to the educating district for 46816
that child exceeds the sum of the amount received by the 46817
educating district for that child under division (A) of section 46818
3317.08 of the Revised Code and the amount received by the 46819
district from the ~~state board~~ department of education and 46820
workforce for that child, then the board of education of the 46821
district of residence shall pay to the board of the school 46822
district that is providing the special education such excess 46823
cost as is determined by using a formula approved by the 46824
~~department of education~~ and agreed upon in contracts entered 46825
into by the boards of the districts concerned at the time the 46826
district providing such special education accepts the child for 46827
enrollment. The department shall certify the amount of the 46828
payments under Chapter 3317. of the Revised Code for such pupils 46829

with disabilities for each school year ending on the thirtieth day of July. 46830
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(B) In the case of a child described in division (A) of 46832
this section who has been placed in a home, as defined in 46833
section 3313.64 of the Revised Code, pursuant to the order of a 46834
court and who is not subject to section 3323.141 of the Revised 46835
Code, the district providing the child with special education 46836
and related services may charge to the child's district of 46837
residence the excess cost determined by formula approved by the 46838
department, regardless of whether the district of residence has 46839
entered into a contract with the district providing the 46840
services. If the district providing the services chooses to 46841
charge excess costs, the district may report the amount 46842
calculated under this division to the department. 46843

(C) If a district providing special education for a child 46844
reports an amount for the excess cost of those services, as 46845
authorized and calculated under division (A) or (B) of this 46846
section, the department shall pay that amount of excess cost to 46847
the district providing the services and shall deduct that amount 46848
from the child's district of residence in accordance with 46849
division (K) of section 3317.023 of the Revised Code. 46850

(D) If a district providing special education to a child 46851
to whom division (C) (4) of section 3313.64 of the Revised Code 46852
applies chooses to receive a tuition payment for that child 46853
under that division, that district shall not receive any 46854
payments under this section. 46855

Sec. 3323.141. (A) When a child who is not in the legal or 46856
permanent custody of an Ohio resident or a government agency in 46857
this state and whose natural or adoptive parents are not known 46858
to have been residents of this state subsequent to the child's 46859

birth is a resident of a home as defined in section 3313.64 of 46860
the Revised Code and receives special education and related 46861
services from a school district or county board of developmental 46862
disabilities, the home shall pay tuition to the board providing 46863
the special education. 46864

(B) In the case of a child described in division (A) of 46865
this section who receives special education and related services 46866
from a school district, tuition shall be the amount determined 46867
under division (B) (1) or (2) of this section. 46868

(1) For a child other than a child described in division 46869
(B) (2) of this section the tuition shall be an amount equal to 46870
the sum of the following: 46871

(a) Tuition as determined in the manner provided for by 46872
division (B) of section 3317.081 of the Revised Code for the 46873
district that provides the special education; 46874

(b) Such excess cost as is determined by using a formula 46875
established by rule of the department of education and 46876
workforce. The excess cost computed in this section shall not be 46877
used as excess cost computed under section 3323.14 of the 46878
Revised Code. 46879

(2) For a child who is a preschool child with a 46880
disability, the tuition shall be computed as follows: 46881

(a) Determine the amount of the tuition of the district 46882
providing the education for the child as calculated under 46883
division (B) of section 3317.08 of the Revised Code; 46884

(b) For each type of special education service included in 46885
the computation of the amount of tuition under division (B) (2) 46886
(a) of this section, divide the amount determined for that 46887
computation under division (B) (2) of section 3317.08 of the 46888

Revised Code by the total number of preschool children with disabilities used for that computation under division (B) (3) of section 3317.08 of the Revised Code; 46889
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46891

(c) Determine the sum of the quotients obtained under division (B) (2) (b) of this section; 46892
46893

(d) Determine the sum of the amounts determined under divisions (B) (2) (a) and (c) of this section. 46894
46895

(C) In the case of a child described in division (A) of this section who receives special education and related services from a county board of developmental disabilities, tuition shall be the amount determined under division (C) (1) or (2) of this section. 46896
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(1) For a child other than a child described in division (C) (2) of this section, the tuition shall be an amount equal to such board's per capita cost of providing special education and related services for children at least three but less than twenty-two years of age as determined by using a formula established by rule of the department of developmental disabilities. 46901
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(2) For a child who is a preschool child with a disability, the tuition shall equal the sum of the amounts of each such board's per capita cost of providing each of the special education or related service that the child receives. The calculation of tuition shall be made by using a formula established by rule of the department of developmental disabilities. The formula for the calculation of per capita costs under division (C) (2) of this section shall be based only on each such county board's cost of providing each type of special education or related service to preschool children with 46908
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disabilities. 46918

(D) If a home fails to pay the tuition required under this 46919
section, the board of education or county board of developmental 46920
disabilities providing the education may recover in a civil 46921
action the tuition and the expenses incurred in prosecuting the 46922
action, including court costs and reasonable attorney's fees. If 46923
the prosecuting attorney or city director of law represents the 46924
board in such action, costs and reasonable attorney's fees 46925
awarded by the court, based upon the time spent preparing and 46926
presenting the case by the prosecuting attorney, director, or a 46927
designee of either, shall be deposited in the county or city 46928
general fund. 46929

Sec. 3323.142. As used in this section, "per pupil amount" 46930
for a preschool child with a disability included in such an 46931
approved unit means the amount determined by dividing the amount 46932
received for the classroom unit in which the child has been 46933
placed by the number of children in the unit. For any other 46934
child, "per pupil amount" means the amount paid for the child 46935
under section 3317.20 of the Revised Code. 46936

When a school district places or has placed a child with a 46937
county board of developmental disabilities for special 46938
education, but another district is responsible for tuition under 46939
section 3313.64 or 3313.65 of the Revised Code and the child is 46940
not a resident of the territory served by the county board of 46941
developmental disabilities, the board may charge the district 46942
responsible for tuition with the educational costs in excess of 46943
the per pupil amount received by the board under Chapter 3317. 46944
of the Revised Code. The amount of the excess cost shall be 46945
determined by the formula established by rule of the department 46946
of education and workforce under section 3323.14 of the Revised 46947

Code, and the payment for such excess cost shall be made by the 46948
school district directly to the county board of developmental 46949
disabilities. 46950

A school district board of education and the county board 46951
of developmental disabilities that serves the school district 46952
may negotiate and contract, at or after the time of placement, 46953
for payments by the board of education to the county board for 46954
additional services provided to a child placed with the county 46955
board and whose individualized education program established 46956
pursuant to section 3323.08 of the Revised Code requires 46957
additional services that are not routinely provided children in 46958
the county board's program but are necessary to maintain the 46959
child's enrollment and participation in the program. Additional 46960
services may include, but are not limited to, specialized 46961
supplies and equipment for the benefit of the child and 46962
instruction, training, or assistance provided by staff members 46963
other than staff members for which funding is received under 46964
Chapter 3317. of the Revised Code. 46965

Sec. 3323.15. The ~~state board~~ department of education and 46966
workforce may arrange to pay to any board of education, the 46967
board for any children with disabilities who are not residents 46968
of the district but for whom the district is providing special 46969
education. Payments shall be made in accordance with rules and 46970
standards of the state board of education. 46971

Sec. 3323.17. The department of education and workforce 46972
shall: 46973

(A) Provide supervision and technical assistance to school 46974
districts in all accepted methods of educating children with 46975
disabilities who have hearing impairments, including the oral, 46976
manual, and total communication methods, with no demonstrable 46977

bias toward any one method over another; 46978

(B) Consult with employees of school districts and 46979
chartered nonpublic schools who confer with the parents of 46980
hearing impaired children about their children's education; 46981

(C) Consult with chartered nonpublic schools and consult 46982
with and provide technical assistance to school districts that 46983
are or may be interested in integrating sign language into their 46984
curricula and that offer or may be interested in offering 46985
American sign language as a foreign language; 46986

(D) Consult with school districts and chartered nonpublic 46987
schools that use interpreters in classrooms and with any other 46988
interested school districts or chartered nonpublic schools about 46989
how to obtain the best interpreters and how interpreters can 46990
improve their skills. 46991

Sec. 3323.19. (A) Within three months after a student 46992
identified with disabilities begins receiving services for the 46993
first time under an individualized education program, the school 46994
district in which that student is enrolled shall require the 46995
student to undergo a comprehensive eye examination performed 46996
either by an optometrist licensed under Chapter 4725. of the 46997
Revised Code or by a physician authorized under Chapter 4731. of 46998
the Revised Code to practice medicine and surgery or osteopathic 46999
medicine and surgery who is comprehensively trained and educated 47000
in the treatment of the human eye, eye disease, or comprehensive 47001
vision services, unless the student underwent such an 47002
examination within the nine-month period immediately prior to 47003
being identified with disabilities. 47004

However, no student who has not undergone the eye 47005
examination required under this section shall be prohibited from 47006

initiating, receiving, or continuing to receive services 47007
prescribed in the student's individualized education program. 47008

(B) The superintendent of each school district or the 47009
superintendent's designee may determine fulfillment of the 47010
requirement prescribed in division (A) of this section based on 47011
any special circumstances of the student, the student's parent, 47012
guardian, or family that may prevent the student from undergoing 47013
the eye examination prior to beginning special education 47014
services. 47015

(C) Except for a student who may be entitled to a 47016
comprehensive eye examination in the identification of the 47017
student's disabilities, in the development of the student's 47018
individualized education program, or as a related service under 47019
the student's individualized education program, neither the 47020
state nor any school district shall be responsible for paying 47021
for the eye examination required by this section. 47022

(D) The department of education and workforce annually 47023
shall do both of the following: 47024

(1) Notify each school district and community school of 47025
the requirements of this section; 47026

(2) Collect from each school district and community school 47027
the total number of students enrolled in the district who were 47028
subject to the requirements of this section and the total number 47029
of students who received the examination, as verified by 47030
documentation received from the district. 47031

Sec. 3323.20. On July 1, 2006, and on each first day of 47032
July thereafter, the department of education and workforce shall 47033
electronically report to the general assembly the number of 47034
preschool children with disabilities who received services for 47035

which the department made a payment to any provider during the 47036
previous fiscal year, disaggregated according to each area of 47037
developmental deficiency identified by the department for the 47038
evaluation of such children. 47039

Sec. 3323.25. (A) As used in this section and section 47040
3323.251 of the Revised Code: 47041

(1) "Dyslexia" means a specific learning disorder that is 47042
neurological in origin and that is characterized by unexpected 47043
difficulties with accurate or fluent word recognition and by 47044
poor spelling and decoding abilities not consistent with the 47045
person's intelligence, motivation, and sensory capabilities, 47046
which difficulties typically result from a deficit in the 47047
phonological component of language. 47048

(2) "Appropriate certification" means either of the 47049
following: 47050

(a) Certification at a certified level, or higher, from a 47051
research-based, structured literacy program; 47052

(b) Any other certification as recognized by a majority 47053
vote of the Ohio dyslexia committee. 47054

(B) (1) The department of education and workforce shall 47055
establish the Ohio dyslexia committee which shall consist of the 47056
following members: 47057

(a) A school district superintendent appointed by the— 47058
~~superintendent of public instruction~~ director of education and 47059
workforce; 47060

(b) An elementary school principal appointed by the ~~state~~— 47061
~~superintendent~~ director; 47062

(c) A classroom teacher appointed by the ~~state~~— 47063

~~superintendent~~ director. The teacher shall have an appropriate 47064
certification and at least two years of experience teaching in a 47065
structured literacy program. 47066

(d) An educational service center employee appointed by 47067
~~the state superintendent~~ director. The employee shall have an 47068
appropriate certification. 47069

(e) An employee of the department ~~of education~~ appointed 47070
by ~~the state superintendent~~ director; 47071

(f) A parent of a child with dyslexia or an adult with 47072
dyslexia appointed by the international dyslexia association in 47073
Ohio; 47074

(g) An individual with experience in higher education and 47075
teacher preparation programs appointed by the chancellor of 47076
higher education. The individual appointed by the chancellor 47077
shall have an appropriate certification. 47078

(h) A board member of the international dyslexia 47079
association in Ohio appointed by the international dyslexia 47080
association in Ohio. The board member shall have an appropriate 47081
certification. 47082

(i) A school psychologist appointed by ~~the state~~ 47083
~~superintendent~~ director; 47084

(j) A reading intervention specialist appointed by ~~the~~ 47085
~~state superintendent~~ director. The reading intervention 47086
specialist shall have an appropriate certification. 47087

(k) A speech-language pathologist appointed by the state 47088
speech and hearing professionals board. The speech-language 47089
pathologist shall have an appropriate certification. 47090

(2) Each appointing authority shall determine a selection 47091

process for the appointments under this section. Each appointing authority that is not the ~~state superintendent director~~ shall make and submit to the department each appointment prescribed under this section ~~not later than thirty days after April 12, 2021. The state superintendent also shall make each appointment prescribed to the state superintendent under this section not later than that date.~~ Members of the committee shall serve at the pleasure of their appointing authority.

(3) An individual may be appointed to the committee without required certification or experience if the appointing authority determines that the individual has sufficient experience in the individual's respective field.

(4) The ~~state superintendent director~~ shall convene the first meeting of the committee within thirty days after nine members have been appointed to the committee. At the first meeting, members of the committee shall elect one of the members as chairperson.

(5) The department shall provide facilities for the meetings of the committee.

(C) (1) Not later than December 31, 2021, the Ohio dyslexia committee shall develop a guidebook regarding the best practices and methods for universal screening, intervention, and remediation for children with dyslexia or children displaying dyslexic characteristics and tendencies using a structured literacy program.

(2) The committee shall provide an opportunity for public input when developing the guidebook, in the manner determined by the committee.

(3) Prior to its distribution, the guidebook shall be

subject to final approval by the ~~state board of education~~
department. 47121
47122

(4) The guidebook shall be developed and issued to 47123
districts and schools in an electronic format. After the initial 47124
development of the guidebook, the Ohio dyslexia committee shall 47125
update the guidebook as necessary. 47126

(D) ~~Not later than December 31, 2021, the~~ The department, 47127
in collaboration with the Ohio dyslexia committee, shall do all 47128
of the following: 47129

(1) Provide structured literacy program professional 47130
development for teachers in evidence-based dyslexia screening 47131
and intervention practices for the purposes of section 3319.077 47132
of the Revised Code. 47133

(2) Assist school districts and other public schools in 47134
establishing multidisciplinary teams to support the 47135
identification, intervention, and remediation of dyslexia; 47136

(3) Develop reporting mechanisms for districts and schools 47137
to submit to the department the information and data required in 47138
the guidebook developed under this section; 47139

(4) Develop academic standards for kindergarten in reading 47140
and writing that incorporate a structured literacy program; 47141

(5) Provide on the department's web site information about 47142
training for teachers about dyslexia that is available at 47143
minimal or no cost. 47144

(E) The department, in collaboration with the Ohio 47145
dyslexia committee, shall identify reliable, valid, universal, 47146
and evidence-based screening and intervention measures that 47147
evaluate the literacy skills of students enrolled in grades 47148

kindergarten through five using a structured literacy program. 47149

(F) The Ohio dyslexia committee may do any of the 47150
following: 47151

(1) Recommend appropriate ratios in school buildings for 47152
students to teachers who have received certification in 47153
identifying and addressing dyslexia; 47154

(2) Recommend which other school personnel, including 47155
school psychologists or speech-language pathologists, should 47156
receive certification in identifying and addressing dyslexia; 47157

(3) Consider and make recommendations regarding whether 47158
professional development required under section 3319.077 of the 47159
Revised Code should require the completion of a practicum. 47160

Sec. 3323.251. (A) Each school district and other public 47161
school shall do all of the following: 47162

(1) For the 2023-2024 school year, administer a tier one 47163
dyslexia screening measure to a student to whom either of the 47164
following applies: 47165

(a) The student is enrolled in any of grades kindergarten 47166
through three. A screening measure shall be administered to a 47167
student enrolled in kindergarten after January 1, 2024, but 47168
prior to January 1, 2025. 47169

(b) The student is enrolled in any of grades four through 47170
six and either of the following applies: 47171

(i) The student's parent, guardian, or custodian requests 47172
that the screening measure be administered to the student. 47173

(ii) A classroom teacher requests that the screening 47174
measure be administered to the student and the student's parent, 47175

guardian, or custodian grants permission for the screening 47176
measure to be administered. 47177

A school district may implement the screening under 47178
division (A) (1) of this section prior to the 2023-2024 school 47179
year. 47180

(2) For the 2024-2025 school year and each school year 47181
thereafter, administer a tier one dyslexia screening measure to 47182
a student to whom either of the following applies: 47183

(a) A student enrolled in kindergarten. A screening 47184
measure shall be administered to a student after the first day 47185
of January of the school year in which the student is enrolled 47186
in kindergarten and prior to the first day of January of the 47187
following school year. 47188

(b) A student enrolled in any of grades one through six if 47189
either of the following applies: 47190

(i) The student's parent, guardian, or custodian requests 47191
that the screening measure be administered to the student. 47192

(ii) A classroom teacher requests that the screening 47193
measure be administered to the student and the student's parent, 47194
guardian, or custodian grants permission for the screening 47195
measure to be administered. 47196

A district or school may administer a tier two dyslexia 47197
screening measure to a student to whom the district or school 47198
administers a tier one screening measure under division (A) (1) 47199
or (2) of this section. In that case, a district or school shall 47200
not be required to complete division (A) (4) of this section. 47201

(3) Identify each student that is at risk of dyslexia 47202
based on the student's results on the tier one screening measure 47203

and notify the student's parent, guardian, or custodian that the student has been identified as being at risk. 47204
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(4) Monitor the progress of each at-risk student toward attaining grade-level reading and writing skills for up to six weeks. The district or school shall check each at-risk student's progress on at least the second week, fourth week, and sixth week after the student is identified as being at risk. If no progress is observed during the monitoring period, the district or school shall notify the parent, guardian, or custodian of the student and administer a tier two dyslexia screening measure to the student. 47206
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(5) Report to a student's parent or guardian the student's results on a tier two screening measure approved by the Ohio dyslexia committee within thirty days after the measure's administration. If, as determined by the tier two screening measure, the student is identified as having dyslexia tendencies, the student's parent or guardian shall be provided with information about reading development, the risk factors for dyslexia, and descriptions for evidenced-based interventions. 47215
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(6) If a student demonstrates markers for dyslexia, provide the student's parents or guardian with a written explanation of the district or school's structured literacy program. 47223
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(B) (1) Beginning in the 2023-2024 school year, each district or school shall: 47227
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(a) Administer a tier one dyslexia screening measure to each kindergarten student that transfers into the district or school midyear during the school's regularly scheduled screening of the kindergarten class or within thirty days after the 47229
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student's enrollment if the screening already has been 47233
completed; 47234

(b) Administer a tier one dyslexia screening measure to 47235
each student in grades one through six that transfers into the 47236
district or school midyear within thirty days after the 47237
student's enrollment. 47238

(2) If a student is identified as being at risk of 47239
dyslexia under division (B)(1) of this section, the district or 47240
school shall administer a tier two screening measure in a timely 47241
manner. 47242

(C) Each district or school shall do all of the following: 47243

(1) Comply with any provisions that are statutorily 47244
required, as they pertain to the guidebook developed under 47245
division (C) of section 3323.25 of the Revised Code; 47246

(2) Select screening and intervention measures to 47247
administer to students from the measures identified under 47248
division (E) of section 3323.25 of the Revised Code; 47249

(3) Establish a multidisciplinary team to administer 47250
screening and intervention measures and analyze the results of 47251
the measures. The team shall include trained and certified 47252
personnel and a stakeholder with expertise in the 47253
identification, intervention, and remediation of dyslexia. 47254

(4) Report to the department of education and workforce 47255
the results of screening measures administered under this 47256
section. 47257

In addition, districts and schools may utilize any best 47258
practices and recommendations contained in the guidebook 47259
developed under division (C) of section 3323.25 of the Revised 47260

Code. 47261

Sec. 3323.32. (A) The department of education and 47262
workforce shall contract with an entity to administer programs 47263
and coordinate services for infants, preschool and school-age 47264
children, and adults with autism and low incidence disabilities. 47265
The entity shall be selected by the ~~superintendent of public~~ 47266
~~instruction~~ director of education and workforce in consultation 47267
with the advisory board established under section 3323.33 of the 47268
Revised Code. 47269

The contract with the entity selected shall include, but 47270
not be limited to, the following provisions: 47271

(1) A description of the programs to be administered and 47272
services to be provided or coordinated by the entity, which 47273
shall include at least the duties prescribed by sections 3323.34 47274
and 3323.35 of the Revised Code; 47275

(2) A description of the expected outcomes from the 47276
programs administered and services provided or coordinated by 47277
the entity; 47278

(3) A stipulation that the entity's performance is subject 47279
to evaluation by the department and renewal of the entity's 47280
contract is subject to the department's satisfaction with the 47281
entity's performance; 47282

(4) A description of the measures and milestones the 47283
department will use to determine whether the performance of the 47284
entity is satisfactory; 47285

(5) Any other provision the department determines is 47286
necessary to ensure the quality of services to individuals with 47287
autism and low incidence disabilities. 47288

(B) In selecting the entity under division (A) of this section, the ~~superintendent~~director of education and workforce and the advisory board shall give primary consideration to the Ohio Center for Autism and Low Incidence, established under section 3323.31 of the Revised Code, as long as the principal goals and mission of the Center, as determined by the ~~superintendent~~director and the advisory board, are consistent with the requirements of divisions (A) (1) to (5) of this section.

Sec. 3323.33. The ~~superintendent of public instruction~~director of education and workforce shall establish an advisory board to assist and advise the Franklin county educational service center in the operation of the Ohio Center for Autism and Low Incidence and the ~~superintendent of public instruction~~director in selecting an entity to administer programs and coordinate services for individuals with autism and low incidence disabilities as required by section 3323.32 of the Revised Code and to provide technical assistance in the provision of such services. As determined by the ~~superintendent~~director, the advisory board shall consist of individuals who are stakeholders in the service to persons with autism and low incidence disabilities, including, but not limited to, the following:

- (A) Persons with autism and low incidence disabilities;
- (B) Parents and family members;
- (C) Educators and other professionals;
- (D) Higher education instructors;
- (E) Representatives of state agencies.

The advisory board shall be organized as determined by the

~~superintendent~~director. 47318

Members of the advisory board shall receive no 47319
compensation for their services. 47320

Sec. 3324.01. As used in this section and sections 3324.02 47321
through 3324.06 of the Revised Code: 47322

(A) "Approved" means approved by the department of 47323
education and workforce and included on the list compiled by the 47324
department under section 3324.02 of the Revised Code. 47325

(B) "Gifted" means students who perform or show potential 47326
for performing at remarkably high levels of accomplishment when 47327
compared to others of their age, experience, or environment and 47328
who are identified under division (A), (B), (C), or (D) of 47329
section 3324.03 of the Revised Code. 47330

(C) "School district" does not include a joint vocational 47331
school district. 47332

(D) "Specific academic ability field" means one or more of 47333
the following areas of instruction: 47334

(1) Mathematics; 47335

(2) Science; 47336

(3) Reading, writing, or a combination of these skills; 47337

(4) Social studies. 47338

Sec. 3324.02. (A) The department of education and 47339
workforce shall construct lists of existing assessment 47340
instruments it approves for use by school districts, and may 47341
include on the lists and make available to school districts 47342
additional assessment instruments developed by the department. 47343
Wherever possible, the department shall approve assessment 47344

instruments that utilize nationally recognized standards for 47345
scoring or are nationally normed. The lists of instruments shall 47346
include: 47347

(1) Initial screening instruments for use in selecting 47348
potentially gifted students for further assessment; 47349

(2) Instruments for identifying gifted students under 47350
section 3324.03 of the Revised Code. 47351

(B) The department, under Chapter 119. of the Revised 47352
Code, shall also adopt rules for the administration of any tests 47353
or assessment instruments it approves on the list required by 47354
division (A) of this section and for establishing the scores or 47355
performance levels required under section 3324.03 of the Revised 47356
Code. 47357

(C) The department shall ensure that the approved list of 47358
assessment instruments under this section includes instruments 47359
that allow for appropriate screening and identification of 47360
gifted minority and disadvantaged students, children with 47361
disabilities, and students for whom English is a second 47362
language. 47363

(D) Districts shall select screening and identification 47364
instruments from the approved lists for inclusion in their 47365
district policies. 47366

(E) The department shall make initial lists of approved 47367
assessment instruments and the rules for the administration of 47368
the instruments available by September 1, 1999. 47369

Sec. 3324.03. The board of education of each school 47370
district shall identify gifted students in grades kindergarten 47371
through twelve as follows: 47372

(A) A student shall be identified as exhibiting "superior cognitive ability" if the student did either of the following within the preceding twenty-four months:

(1) Scored two standard deviations above the mean, minus the standard error of measurement, on an approved individual standardized intelligence test administered by a licensed school psychologist or licensed psychologist;

(2) Accomplished any one of the following:

(a) Scored at least two standard deviations above the mean, minus the standard error of measurement, on an approved standardized group intelligence test;

(b) Performed at or above the ninety-fifth percentile on an approved individual or group standardized basic or composite battery of a nationally normed achievement test;

(c) Attained an approved score on one or more above-grade level standardized, nationally normed approved tests.

(B) A student shall be identified as exhibiting "specific academic ability" superior to that of children of similar age in a specific academic ability field if within the preceding twenty-four months the student performs at or above the ninety-fifth percentile at the national level on an approved individual or group standardized achievement test of specific academic ability in that field. A student may be identified as gifted in more than one specific academic ability field.

(C) A student shall be identified as exhibiting "creative thinking ability" superior to children of a similar age, if within the previous twenty-four months, the student scored one standard deviation above the mean, minus the standard error of measurement, on an approved individual or group intelligence

test and also did either of the following: 47402

(1) Attained a sufficient score, as established by the 47403
department of education and workforce, on an approved individual 47404
or group test of creative ability; 47405

(2) Exhibited sufficient performance, as established by 47406
the department ~~of education~~, on an approved checklist of 47407
creative behaviors. 47408

(D) A student shall be identified as exhibiting "visual or 47409
performing arts ability" superior to that of children of similar 47410
age if the student has done both of the following: 47411

(1) Demonstrated through a display of work, an audition, 47412
or other performance or exhibition, superior ability in a visual 47413
or performing arts area; 47414

(2) Exhibited sufficient performance, as established by 47415
the department ~~of education~~, on an approved checklist of 47416
behaviors related to a specific arts area. 47417

Sec. 3324.04. The board of education of each school 47418
district shall adopt a plan by January 1, 2000, for identifying 47419
gifted students. The plan shall be submitted to the department 47420
of education and workforce for approval. The department shall 47421
approve the plan within sixty days if it contains all of the 47422
following: 47423

(A) A description of the assessment instruments from the 47424
list adopted by the department that the district will use to 47425
screen and identify gifted students; 47426

(B) Acceptable scheduling procedures for screening and for 47427
administering assessment instruments for identifying gifted 47428
students. These procedures shall provide: 47429

(1) At least two opportunities a year for assessment in 47430
the case of students requesting assessment or recommended for 47431
assessment by teachers, parents, or other students; 47432

(2) Assurance of inclusion in screening and assessment 47433
procedures for minority and disadvantaged students, children 47434
with disabilities, and students for whom English is a second 47435
language; 47436

(3) Assurance that any student transferring into the 47437
district will be assessed within ninety days of the transfer at 47438
the request of a parent. 47439

(C) Procedures for notification of parents within thirty 47440
days about the results of any screening procedure or assessment 47441
instrument and the provision of an opportunity for parents to 47442
appeal any decision about the results of any screening procedure 47443
or assessment, the scheduling of children for assessment, or the 47444
placement of a student in any program or for receipt of 47445
services; 47446

(D) A commitment that the district will accept scores on 47447
assessment instruments provided by other school districts or 47448
trained personnel outside the school district, provided the 47449
assessment instruments are on the list approved by the 47450
department ~~of education~~ under section 3324.02 of the Revised 47451
Code. 47452

The district's plan may provide for the district to 47453
contract with any qualified public or private service provider 47454
to provide screening or assessment services under the plan. 47455

The department shall assist any district whose plan it 47456
disapproves under this section to amend the plan so that it 47457
meets the requirements of this section. 47458

Sec. 3324.05. (A) Each school district shall submit an 47459
annual report to the department of education and workforce 47460
specifying the number of students in each of grades kindergarten 47461
through twelve screened, the number assessed, and the number 47462
identified as gifted in each category specified in section 47463
3324.03 of the Revised Code. For fiscal years 2022 and 2023, 47464
this report shall also specify the number of students served in 47465
each category specified in section 3324.03 of the Revised Code. 47466

(B) For fiscal years 2022 and 2023, not later than the 47467
thirty-first day of October, the department shall publish both 47468
of the following using data submitted by school districts under 47469
the education management information system established under 47470
section 3301.0714 of the Revised Code: 47471

(1) Services offered by each school district to students 47472
identified as gifted in each of the following grade bands: 47473

(a) Kindergarten through third grade; 47474

(b) Fourth through eighth grade; 47475

(c) Ninth through twelfth grade. 47476

(2) The number of licensed gifted intervention specialists 47477
and coordinators employed or contracted by each school district. 47478

(C) The department ~~of education~~ shall audit each school 47479
district's identification numbers at least once every three 47480
years and may select any district at random or upon complaint or 47481
suspicion of noncompliance for a further audit to determine 47482
compliance with sections 3324.03 to 3324.06 of the Revised Code. 47483
If a school district's audit under this division occurs during 47484
fiscal year 2022 or 2023, the department shall also audit the 47485
district's service numbers. 47486

(D) The department shall provide technical assistance to 47487
any district found in noncompliance under division (C) of this 47488
section. For fiscal years 2022 and 2023, the department shall 47489
reduce funds received by the district under Chapter 3317. of the 47490
Revised Code by any amount if the district continues to be 47491
noncompliant. For fiscal year 2024 and each fiscal year 47492
thereafter, the department may reduce funds received by the 47493
district under Chapter 3317. of the Revised Code by any amount 47494
if the district continues to be noncompliant. 47495

Sec. 3324.06. The board of education of each school 47496
district shall adopt a statement of its policy for the screening 47497
and identification of gifted students and shall distribute the 47498
policy statement to parents. The policy statement shall specify: 47499

(A) The criteria and methods the district uses to screen 47500
students and to select students for further assessment who 47501
perform or show potential for performing at remarkably high 47502
levels of accomplishment in one of the gifted areas specified in 47503
section 3324.03 of the Revised Code; 47504

(B) The sources of assessment data the district uses to 47505
select students for further testing and an explanation for 47506
parents of the multiple assessment instruments required to 47507
identify gifted students under section 3324.03 of the Revised 47508
Code; 47509

(C) An explanation for parents of the methods the district 47510
uses to ensure equal access to screening and further assessment 47511
by all district students, including minority or disadvantaged 47512
students, children with disabilities, and students for whom 47513
English is a second language; 47514

(D) Provisions to ensure equal opportunity for all 47515

district students identified as gifted to receive any services 47516
offered by the district; 47517

(E) Provisions for students to withdraw from gifted 47518
programs or services, for reassessment of students, and for 47519
assessment of students transferring into the district; 47520

(F) Methods for resolving disagreements between parents 47521
and the district concerning identification and placement 47522
decisions. 47523

A copy of the district's policy adopted under this section 47524
shall accompany the district's plan submitted to the department 47525
of education and workforce under section 3324.04 of the Revised 47526
Code. 47527

Sec. 3324.07. (A) The board of education of each school 47528
district shall develop a plan for the service of gifted students 47529
enrolled in the district that are identified under section 47530
3324.03 of the Revised Code. Services specified in the plan 47531
developed by each board may include such options as the 47532
following: 47533

(1) A differentiated curriculum; 47534

(2) Cluster grouping; 47535

(3) Mentorships; 47536

(4) Accelerated course work; 47537

(5) The college credit plus program under Chapter 3365. of 47538
the Revised Code; 47539

(6) Advanced placement; 47540

(7) Honors classes; 47541

(8) Magnet schools; 47542

(9) Self-contained classrooms; 47543

(10) Independent study; 47544

(11) International baccalaureate; 47545

(12) Other options identified in rules adopted by the 47546
department of education and workforce. 47547

(B) Each board shall file the plan developed under 47548
division (A) of this section with the department of education ~~by~~ 47549
~~December 15, 2000~~ and workforce. The department shall review and 47550
analyze each plan to determine if it is adequate and to make 47551
funding estimates. 47552

(C) Unless otherwise required by law, rule, or as a 47553
condition for receipt of funds, school boards may implement the 47554
plans developed under division (A) of this section, but shall 47555
not be required to do so until further action by the general 47556
assembly or the ~~state superintendent of public~~ 47557
~~instruction~~ director of education and workforce. 47558

Sec. 3324.08. Any person employed by a school district and 47559
assigned to a school as a principal or any other position may 47560
also serve as the district's gifted education coordinator, if 47561
qualified to do so pursuant to the rules adopted by the ~~state~~ 47562
~~board~~ department of education and workforce under this chapter. 47563

Sec. 3324.09. (A) For fiscal years 2022 and 2023, not 47564
later than the thirtieth day of October, the department of 47565
education and workforce shall publish on its web site the funds 47566
received for the previous fiscal year by each school district 47567
under division (A) (6) of section 3317.022 of the Revised Code 47568
for the identification of and services provided to the 47569
district's gifted students and each district's expenditures of 47570
those funds. 47571

(B) For fiscal year 2024 and each fiscal year thereafter, 47572
not later than the thirtieth day of October, the department 47573
shall publish on its web site each school district's 47574
expenditures for the previous fiscal year of funds received 47575
under division (A) (6) of section 3317.022 of the Revised Code 47576
for the identification of and services provided to the 47577
district's gifted students. 47578

Sec. 3324.10. (A) ~~Prior to June 30, 2006, the state board~~ 47579
The department of education and workforce shall adopt a model 47580
student acceleration policy addressing recommendations in the 47581
former department of education's 2005 study conducted under the 47582
gifted research and demonstration grant program. The policy 47583
shall address, but not be limited to, whole grade acceleration, 47584
subject area acceleration, and early high school graduation. 47585

(B) The board of education of each city, local, and 47586
exempted village school district shall implement a student 47587
acceleration policy to take effect beginning in the 2006-2007 47588
school year. The policy shall either be the model adopted by the 47589
~~state board department~~ under division (A) of this section or a 47590
policy covering similar issues that is adopted by the district 47591
board. If the district board does not adopt the ~~state board's~~ 47592
department's model, it shall submit its policy to the department 47593
for review and approval. The department, upon request, shall 47594
provide technical assistance to the district board in developing 47595
the policy. 47596

Sec. 3324.11. No rule adopted by the ~~state board director~~ 47597
and workforce pursuant to this chapter, section 47598
3301.07 of the Revised Code, or any other provision of the 47599
Revised Code shall permit a school district to report that it 47600
has provided services to a student identified as gifted unless 47601

those services are paid for by the district. Nothing in this 47602
section shall prohibit a district from requiring a student to 47603
pay the costs of advanced placement or international 47604
baccalaureate examinations. 47605

Sec. 3325.01. The state school for the deaf and the state 47606
school for the blind shall be under the control and supervision 47607
of the ~~state board~~ department of education and workforce. ~~On the~~ 47608
~~recommendation of the superintendent of public instruction, the~~ 47609
~~state board of education~~ The department shall appoint a 47610
superintendent for the state school for the deaf and a 47611
superintendent for the state school for the blind, each of whom 47612
shall serve at the pleasure of the ~~state board~~ department. 47613

Sec. 3325.011. Subject to the regulations adopted by the 47614
~~state board~~ department of education and workforce, the state 47615
school for the deaf shall be open to receive persons who are 47616
deaf, partially deaf, and both blind and deaf residents of this 47617
state, who, in the judgment of the ~~superintendent of public~~ 47618
~~instruction~~ director of education and workforce and the 47619
superintendent of the school for the deaf, due to such 47620
disability, cannot be educated in the public school system and 47621
are suitable persons to receive instructions according to the 47622
methods employed in such school. The superintendent of the 47623
school for the deaf may pay the expenses necessary for the 47624
instruction of children who are both blind and deaf, who are 47625
resident of this state, in any suitable institution. 47626

Sec. 3325.02. (A) As used in this chapter, "visual 47627
impairment" means blindness, partial blindness, deaf-blindness, 47628
or multiple disabilities if one of the disabilities is vision 47629
related. 47630

(B) Subject to the regulations adopted by the ~~state board~~ 47631

department of education and workforce, the state school for the 47632
blind shall be open to receive persons who are residents of this 47633
state, whose disabilities are visual impairments, and who, in 47634
the judgment of the ~~superintendent of public instruction~~ 47635
director of education and workforce and the superintendent of 47636
the school for the blind, due to such disability, cannot be 47637
educated in the public school system and are suitable persons to 47638
receive instructions according to the methods employed in the 47639
school. 47640

Sec. 3325.03. The superintendent of the state school for 47641
the deaf or the superintendent of the state school for the blind 47642
may return to ~~its~~the pupil's parents, guardian, or proper agency 47643
any pupil under ~~his~~the superintendent's jurisdiction, who, in 47644
the opinion of such superintendent and the ~~superintendent of~~ 47645
~~public instruction~~director of education and workforce, is not 47646
making sufficient progress in ~~its~~the pupil's school or 47647
industrial work to justify ~~its~~ continuance as a pupil in such 47648
school. 47649

Sec. 3325.04. The superintendent of the state school for 47650
the deaf and the superintendent of the state school for the 47651
blind, with the approval of the ~~superintendent of public~~ 47652
~~instruction~~director of education and workforce, shall, for their 47653
respective schools and subject to the rules and regulations of 47654
the civil service, employ suitable teachers, nurses, and other 47655
help necessary to provide the proper instruction and care for 47656
the pupils under their jurisdiction. 47657

No individual hired on or after ~~the effective date of this~~ 47658
~~amendment~~ August 29, 1991, as a classroom teacher at the state 47659
school for the blind shall be permitted to retain employment as 47660
a teacher at the school unless prior to the date of such hiring, 47661

or within one year of that date, the individual completes at 47662
least two courses of instruction in braille at an institution of 47663
higher education or demonstrates equivalent competency in the 47664
use of braille to the satisfaction of the superintendent of the 47665
state school for the blind. 47666

Sec. 3325.05. The ~~state board~~ department of education and 47667
workforce may provide for the further and higher education of 47668
any blind pupils, who in its judgment are capable of receiving 47669
sufficient benefit to render them more efficient as citizens, by 47670
appointing readers for such persons to read from textbooks and 47671
pamphlets used in their studies while in attendance as regularly 47672
matriculated students in any college, university, or technical 47673
or professional school located in this state and authorized to 47674
grant degrees. Any fund appropriated for such purpose shall be 47675
distributed under the direct supervision of the ~~state board of~~ 47676
~~education~~ department. No person shall receive the benefit 47677
conferred by this section who has not had an actual residence in 47678
this state for at least one year. 47679

Sec. 3325.06. (A) The ~~state board~~ department of education_ 47680
and workforce shall institute and establish a program of 47681
education ~~by the department of education~~ to train parents of 47682
deaf or hard of hearing children of preschool age. The object 47683
and purpose of the educational program shall be to aid and 47684
assist the parents of deaf or hard of hearing children of 47685
preschool age in affording to the children the means of optimum 47686
communicational facilities. 47687

(B) The ~~state board of education~~ department shall 47688
institute and establish a program of education to train and 47689
assist parents of children of preschool age whose disabilities 47690
are visual impairments. The object and purpose of the 47691

educational program shall be to enable the parents of children 47692
of preschool age whose disabilities are visual impairments to 47693
provide their children with learning experiences that develop 47694
early literacy, communication, mobility, and daily living skills 47695
so the children can function independently in their living 47696
environments. 47697

Sec. 3325.07. The ~~state board~~ department of education and 47698
workforce in carrying out this section and division (A) of 47699
section 3325.06 of the Revised Code shall, insofar as 47700
practicable, plan, present, and carry into effect an educational 47701
program by means of any of the following methods of instruction: 47702

(A) Classes for parents of deaf or hard of hearing 47703
children of preschool age; 47704

(B) A nursery school where parent and child would enter 47705
the nursery school as a unit; 47706

(C) Correspondence course; 47707

(D) Personal consultations and interviews; 47708

(E) Day-care or child development courses; 47709

(F) Summer enrichment courses; 47710

(G) By such other means or methods as the superintendent 47711
of the state school for the deaf deems advisable that would 47712
permit a deaf or hard of hearing child of preschool age to 47713
construct a pattern of communication at an early age. 47714

The superintendent may allow children who are not deaf or 47715
hard of hearing to participate in the methods of instruction 47716
described in divisions (A) to (G) of this section as a means to 47717
assist deaf or hard of hearing children to construct a pattern 47718
of communication. The superintendent shall establish policies 47719

and procedures regarding the participation of children who are 47720
not deaf or hard of hearing. 47721

The superintendent may establish reasonable fees for 47722
participation in the methods of instruction described in 47723
divisions (A) to (G) of this section to defray the costs of 47724
carrying them out. The superintendent shall determine the manner 47725
by which any such fees shall be collected. All fees shall be 47726
deposited in the even start fees and gifts fund, which is hereby 47727
created in the state treasury. The money in the fund shall be 47728
used to implement this section. 47729

Sec. 3325.071. The ~~state board~~ department of education and 47730
workforce in carrying out this section and division (B) of 47731
section 3325.06 of the Revised Code shall, insofar as 47732
practicable, plan, present, and carry into effect an educational 47733
program by means of any of the following methods of instruction: 47734

(A) Classes for parents of children of preschool age whose 47735
disabilities are visual impairments, independently or in 47736
cooperation with community agencies; 47737

(B) Periodic interactive parent-child classes for infants 47738
and toddlers whose disabilities are visual impairments; 47739

(C) Correspondence course; 47740

(D) Personal consultations and interviews; 47741

(E) Day-care or child development courses for children and 47742
parents; 47743

(F) Summer enrichment courses; 47744

(G) By such other means or methods as the superintendent 47745
of the state school for the blind deems advisable that would 47746
permit a child of preschool age whose disability is a visual 47747

impairment to construct a pattern of communication and develop 47748
literacy, mobility, and independence at an early age. 47749

The superintendent may allow children who do not have 47750
disabilities that are visual impairments to participate in the 47751
methods of instruction described in divisions (A) to (G) of this 47752
section so that children of preschool age whose disabilities are 47753
visual impairments are able to learn alongside their peers while 47754
receiving specialized instruction that is based on early 47755
learning and development strategies. The superintendent shall 47756
establish policies and procedures regarding the participation of 47757
children who do not have disabilities that are visual 47758
impairments. 47759

The superintendent may establish reasonable fees for 47760
participation in the methods of instruction described in 47761
divisions (A) to (G) of this section to defray the costs of 47762
carrying them out. The superintendent shall determine the manner 47763
by which any such fees shall be collected. All fees shall be 47764
deposited in the state school for the blind even start fees and 47765
gifts fund, which is hereby created in the state treasury. The 47766
money in the fund shall be used to implement this section. 47767

Sec. 3325.08. (A) A diploma shall be granted by the 47768
superintendent of the state school for the blind and the 47769
superintendent of the state school for the deaf to any student 47770
enrolled in one of these state schools to whom all of the 47771
following apply: 47772

(1) The student has successfully completed the 47773
individualized education program developed for the student for 47774
the student's high school education pursuant to section 3323.08 47775
of the Revised Code; 47776

(2) Subject to section 3313.614 of the Revised Code, the student has met the assessment requirements of division (A) (2) (a) or (b) of this section, as applicable. 47777
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(a) If the student entered the ninth grade prior to July 1, 2014, the student either: 47780
47781

(i) Has attained at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments prescribed by that division unless division (L) of section 3313.61 of the Revised Code applies to the student; 47782
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(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 47787
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(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that division (L) of section 3313.61 of the Revised Code applies to the student. 47789
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(3) The student is not eligible to receive an honors diploma granted pursuant to division (B) of this section. 47794
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No diploma shall be granted under this division to anyone except as provided under this division. 47796
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(B) In lieu of a diploma granted under division (A) of this section, the superintendent of the state school for the blind and the superintendent of the state school for the deaf shall grant an honors diploma, in the same manner that the boards of education of school districts grant such diplomas under division (B) of section 3313.61 of the Revised Code, to any student enrolled in one of these state schools who accomplishes all of the following: 47798
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(1) Successfully completes the individualized education program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code;

(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B) (2) (a) or (b) of this section, as applicable.

(a) If the student entered the ninth grade prior to July 1, 2014, the student either:

(i) Has attained at least the applicable scores designated under division (B) (1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code.

(3) Has met additional criteria for granting an honors diploma.

These additional criteria shall be the same as those prescribed by the state board under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division.

(C) A diploma or honors diploma awarded under this section shall be signed by the ~~superintendent of public instruction~~ director of education and workforce and the superintendent of

the state school for the blind or the superintendent of the 47834
state school for the deaf, as applicable. Each diploma shall 47835
bear the date of its issue and be in such form as the school 47836
superintendent prescribes. 47837

(D) Upon granting a diploma to a student under this 47838
section, the superintendent of the state school in which the 47839
student is enrolled shall provide notice of receipt of the 47840
diploma to the board of education of the school district where 47841
the student is entitled to attend school under section 3313.64 47842
or 3313.65 of the Revised Code when not residing at the state 47843
school for the blind or the state school for the deaf. The 47844
notice shall indicate the type of diploma granted. 47845

Sec. 3325.09. (A) The ~~state board~~ department of education_ 47846
and workforce shall institute and establish career-technical 47847
education and work training programs for secondary and post- 47848
secondary students whose disabilities are visual impairments. 47849
These programs shall develop communication, mobility, and work 47850
skills and assist students in becoming productive members of 47851
society so that they can contribute to their communities and 47852
living environments. 47853

(B) The state school for the blind may use any gifts, 47854
donations, or bequests it receives under section 3325.10 of the 47855
Revised Code for one or more of the following purposes that are 47856
related to career-technical and work training programs for 47857
secondary and post-secondary students whose disabilities are 47858
visual impairments: 47859

- (1) Room and board; 47860
- (2) Training in mobility and orientation; 47861
- (3) Activities that teach daily living skills; 47862

(4) Rehabilitation technology;	47863
(5) Activities that teach group and individual social and interpersonal skills;	47864 47865
(6) Work placement in the community by the school or a community agency;	47866 47867
(7) Transportation to and from work sites or locations of community interaction;	47868 47869
(8) Supervision and management of programs and services.	47870
Sec. 3325.11. There is hereby created in the state treasury the state school for the blind student activity and work-study fund. Moneys received from donations, bequests, the school vocational program, and any other moneys designated for deposit in the fund by the superintendent of the state school for the blind shall be credited to the fund. Notwithstanding section 3325.01 of the Revised Code, the approval of the state board <u>department of education and workforce</u> is not required to designate money for deposit into the fund. The school for the blind shall use money in the fund for school operating expenses, including, but not limited to, personal services, maintenance, and equipment related to student support, activities, and vocational programs, and for providing scholarships to students for further training upon graduation.	47871 47872 47873 47874 47875 47876 47877 47878 47879 47880 47881 47882 47883 47884
Sec. 3325.12. Money deposited with the superintendent of the state school for the blind and the superintendent of the state school for the deaf by parents, relatives, guardians, and friends for the special benefit of any pupil shall remain in the hands of the respective superintendent for use accordingly. Each superintendent shall deposit the money into one or more personal deposit funds. Each superintendent shall keep itemized book	47885 47886 47887 47888 47889 47890 47891

accounts of the receipt and disposition of the money, which 47892
books shall be open at all times to the inspection of the 47893
~~superintendent of public instruction~~director of education and 47894
workforce. The superintendent of the state school for the blind 47895
and the superintendent of the state school for the deaf each 47896
shall adopt rules governing the deposit, transfer, withdrawal, 47897
or investment of the money and the investment earnings of the 47898
money. 47899

Whenever a pupil ceases to be enrolled in the state school 47900
for the blind or the state school for the deaf, if personal 47901
money of the pupil remains in the hands of the respective 47902
superintendent and no demand is made upon the superintendent by 47903
the pupil or the pupil's parent or guardian, the superintendent 47904
shall hold the money in a personal deposit fund for a period of 47905
at least one year. During that time, the superintendent shall 47906
make every effort possible to locate the pupil or the pupil's 47907
parent or guardian. If, at the end of this period, no demand has 47908
been made for the money held by the state school for the blind, 47909
the superintendent of the state school for the blind shall 47910
dispose of the money by transferring it to the state school for 47911
the blind student activity and work-study fund established by 47912
section 3325.11 of the Revised Code. If at the end of this 47913
period, no demand has been made for the money held by the state 47914
school for the deaf, the superintendent of the state school for 47915
the deaf shall dispose of the money by transferring it to the 47916
state school for the deaf educational program expenses fund 47917
established by section 3325.16 of the Revised Code. 47918

Sec. 3325.13. The state school for the blind employees 47919
food service fund is hereby created in the state treasury. The 47920
fund shall consist of payments received from employees who make 47921
purchases from the school's food service program. 47922

Notwithstanding section 3325.01 of the Revised Code, the 47923
approval of the ~~state board~~ department of education and 47924
workforce is not required to designate money for deposit into 47925
the fund. The school for the blind shall use money in the fund 47926
to pay costs associated with the school's food service program. 47927

Sec. 3325.14. The state school for the deaf employees food 47928
service fund is hereby created in the state treasury. The fund 47929
shall consist of payments received from employees who make 47930
purchases from the school's food service program. 47931

Notwithstanding section 3325.01 of the Revised Code, the 47932
approval of the ~~state board~~ department of education and 47933
workforce is not required to designate money for deposit into 47934
the fund. The school for the deaf shall use money in the fund to 47935
pay costs associated with the school's food service program. 47936

Sec. 3325.16. There is hereby created in the state 47937
treasury the state school for the deaf educational program 47938
expenses fund. Moneys received by the school from donations, 47939
bequests, student fundraising activities, fees charged for camps 47940
and workshops, gate receipts from athletic contests, and the 47941
student work experience program operated by the school, and any 47942
other moneys designated for deposit in the fund by the 47943
superintendent of the school, shall be credited to the fund. 47944

Notwithstanding section 3325.01 of the Revised Code, the 47945
approval of the ~~state board~~ department of education and 47946
workforce is not required to designate money for deposit into 47947
the fund. The state school for the deaf shall use moneys in the 47948
fund for educational programs, after-school activities, and 47949
expenses associated with student activities and clubs. 47950

Sec. 3325.17. There is hereby created in the state 47951
treasury the state school for the blind educational program 47952

expense fund. Moneys received by the school from donations, 47953
bequests, student fundraising activities, fees charged for 47954
camps, workshops, and summer work and learn cooperative 47955
programs, gate receipts from school activities, and any other 47956
moneys designated for deposit in the fund by the superintendent 47957
of the school, shall be credited to the fund. Notwithstanding 47958
section 3325.01 of the Revised Code, the approval of the ~~state-~~ 47959
~~board~~ department of education and workforce is not required to 47960
designate money for deposit into the fund. The state school for 47961
the blind shall use moneys in the fund for educational programs, 47962
after-school activities, and expenses associated with student 47963
activities. 47964

Sec. 3326.02. There is hereby established the STEM 47965
committee of the department of education and workforce 47966
consisting of the following members: 47967

(A) The ~~superintendent of public instruction~~ director of 47968
education and workforce, or the ~~superintendent's~~ director's 47969
designee; 47970

(B) The chancellor of higher education, or the 47971
chancellor's designee; 47972

(C) The director of development, or the director's 47973
designee; 47974

(D) Four members of the public, two of whom shall be 47975
appointed by the governor, one of whom shall be appointed by the 47976
speaker of the house of representatives, and one of whom shall 47977
be appointed by the president of the senate. Members of the 47978
public shall be appointed based on their expertise in business 47979
or in STEM fields. 47980

All members of the committee appointed under division (D) 47981

of this section shall serve at the pleasure of their appointing authority. 47982
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If a member listed in divisions (A) to (C) of this section elects to assign a designee to participate in committee business on the member's behalf, the member shall assign that designation to a single person for the time period in which the designation is effective. 47984
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Members of the committee shall receive no compensation for their services. The department of education and workforce shall provide administrative support for the committee. 47989
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Sec. 3326.03. (A) The STEM committee shall authorize the establishment of science, technology, engineering, and mathematics schools based on proposals submitted to the committee. 47992
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The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals to approve to become a STEM school. In approving proposals for STEM schools, the committee shall consider designating schools in diverse geographic regions of the state so that all students have access to a STEM school. 47996
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The committee shall seek technical assistance from the Ohio STEM learning network, or its successor, throughout the process of accepting and evaluating proposals and choosing which proposals to approve. In approving proposals for STEM schools, the committee shall consider the recommendations of the Ohio STEM learning network, or its successor. 48003
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The committee may authorize the establishment of a group of multiple STEM schools to operate from multiple facilities 48009
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located in one or more school districts under the direction of a 48011
single governing body in the manner prescribed by section 48012
3326.031 of the Revised Code. The committee shall consider the 48013
merits of each of the proposed STEM schools within a group and 48014
shall authorize each school separately. Anytime after 48015
authorizing a group of STEM schools to be under the direction of 48016
a single governing body, the committee may authorize one or more 48017
additional schools to operate as part of that group, provided a 48018
proposal for each school is submitted in accordance with this 48019
section. 48020

The STEM committee may approve one or more STEM schools to 48021
serve only students identified as gifted under Chapter 3324. of 48022
the Revised Code. 48023

(B) Proposals may be submitted only by a partnership of 48024
public and private entities consisting of at least all of the 48025
following: 48026

(1) A city, exempted village, or local school district; 48027

(2) Higher education entities; 48028

(3) Business organizations. 48029

A community school established under Chapter 3314. of the 48030
Revised Code, a chartered nonpublic school, or both may be part 48031
of the partnership. 48032

(C) Each proposal shall include at least the following: 48033

(1) A statement of which of grades kindergarten through 48034
twelve will be offered by the school; 48035

(2) Assurances that the STEM school or group of STEM 48036
schools will be under the oversight of a governing body and a 48037
description of the members of that governing body and how they 48038

will be selected; 48039

(3) Assurances that each STEM school will operate in 48040
compliance with this chapter and the provisions of the proposal 48041
as accepted by the committee and that the school will maintain 48042
the STEM education practices set forth in the proposal; 48043

(4) Evidence that each school will exhibit school-wide 48044
cultural strategies reflecting innovation, an entrepreneurial 48045
spirit, inquiry, and collaboration with individual 48046
accountability; 48047

(5) Evidence that each school will offer a rigorous, 48048
diverse, integrated, and problem- or project-based curriculum to 48049
all students enrolled in the school, with the goal to prepare 48050
all students for post-high school learning experiences, the 48051
workforce, and citizenship, and that does all of the following: 48052

(a) Emphasizes and supports the role of science, 48053
technology, engineering, and mathematics in promoting innovation 48054
and economic progress; 48055

(b) Emphasizes the use of design thinking as a school-wide 48056
approach; 48057

(c) Provides opportunities for students to engage in 48058
personalized learning; 48059

(d) Includes the arts and humanities. If the proposal is 48060
for a STEAM school, it also shall include evidence that the 48061
curriculum will integrate arts and design into the study of 48062
science, technology, engineering, and mathematics to foster 48063
creative thinking, problem-solving, and new approaches to 48064
scientific invention. 48065

(6) Evidence that school leadership supports the 48066

curriculum principles of division (C) (5) of this section; 48067

(7) A description of how each school's curriculum was 48068
developed using the curriculum principles described in division 48069
(C) (5) of this section and approved by a team in accordance with 48070
section 3326.09 of the Revised Code; 48071

(8) Evidence that each school will participate in regular 48072
STEM-focused professional development and share knowledge of 48073
best practices; 48074

(9) Evidence that each school has established partnerships 48075
with institutions of higher education and businesses. If the 48076
proposal is for a STEAM school, it also shall include evidence 48077
of established partnerships with one or more arts organizations. 48078

(10) Assurances that each school has received commitments 48079
of sustained and verifiable fiscal and in-kind support from 48080
regional education and business entities. If the proposal is for 48081
a STEAM school, it also shall include assurances that the school 48082
has received commitments of sustained and verifiable fiscal and 48083
in-kind support from arts organizations. 48084

(11) A description of how each school's assets will be 48085
distributed if the school closes for any reason. 48086

(D) A STEM school that is designated under this section 48087
may submit an amended proposal to the STEM committee at any time 48088
to offer additional grade levels. Upon approval of the amended 48089
proposal by the committee, those grades may be offered by the 48090
school. 48091

(E) (1) If a school is designated as a STEM school under 48092
this section, it shall maintain that designation for five years 48093
unless the STEM committee revokes its designation during that 48094
five-year period under division (F) of this section. At the end 48095

of that five-year period, the school shall reapply to the STEM 48096
committee in order to maintain that designation. The committee 48097
shall authorize the continuation of the school's STEM 48098
designation if the committee finds that the school is in 48099
compliance with this chapter and the provisions of its proposal 48100
and any subsequent amendments to that proposal. 48101

If a school chooses not to reapply for designation as a 48102
STEM school under division (E) (1) of this section, the committee 48103
shall revoke the school's designation at the end of its five- 48104
year designation period. 48105

(2) If a school reapplies for its designation as a STEM 48106
school under division (E) (1) of this section and the committee 48107
has reason to believe that it is not in compliance with this 48108
chapter or the provisions of its proposal and any subsequent 48109
amendments to that proposal, the committee shall require the 48110
school, in collaboration with the department of education and 48111
workforce and the Ohio STEM learning network or its successor, 48112
to develop a corrective action plan. The school shall implement 48113
the corrective action plan and demonstrate exemplary STEM 48114
pedagogy and practices within one year of the plan's 48115
development. If the school fails to implement the corrective 48116
action plan to the satisfaction of the committee at the end of 48117
that year, the committee shall revoke the school's designation. 48118

(3) The department shall maintain records of the 48119
application status and designation renewal deadlines for each 48120
school that has been designated as a STEM school under this 48121
section. 48122

(F) If the STEM committee has reason to believe that a 48123
school that is designated as a STEM school under this section is 48124
not in compliance with this chapter or the provisions of its 48125

proposal and any subsequent amendments to that proposal, it may 48126
review the school's designation prior to the end of its five- 48127
year designation period. If the committee reviews a school's 48128
designation under this division, it must require the school to 48129
develop a corrective action plan in the same manner as specified 48130
in division (E) (2) of this section and implement that plan and 48131
demonstrate exemplary STEM pedagogy and practices within one 48132
year of the plan's development. If the school fails to implement 48133
the corrective action plan to the satisfaction of the committee 48134
at the end of that year, the committee shall revoke the school's 48135
designation. 48136

(G) If a STEM school wishes to become a STEAM school, it 48137
may change its existing proposal to include the items required 48138
under divisions (C) (5) (d), (C) (9), and (C) (10) of this section 48139
and submit the revised proposal to the STEM committee for 48140
approval. 48141

(H) Notwithstanding division (B) (1) of this section, on 48142
and after ~~the effective date of this amendment~~ September 30, 48143
2021, a school operated by a joint vocational school district 48144
that was designated as a STEM school prior to that date may 48145
maintain that designation provided the school continues to 48146
comply with this chapter and all provisions of its proposal and 48147
any subsequent amendments to that proposal. However, nothing 48148
shall prohibit that school from electing to apply for a 48149
designation of STEM school equivalent or distinction as a STEM 48150
program of excellence under section 3326.032 or 3326.04 of the 48151
Revised Code, respectively. 48152

Sec. 3326.032. (A) The STEM committee may grant a 48153
designation of STEM school equivalent to any of the following 48154
schools: 48155

- (1) A school operated by a joint vocational school district; 48156
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- (2) A school offering career-technical education programs that is operated by a school district that is a comprehensive career-technical education provider; 48158
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48160
- (3) A school offering career-technical education programs that is operated by a school district that is a participant in a compact career-technical education provider; 48161
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48163
- (4) A community school established under Chapter 3314. of the Revised Code; 48164
48165
- (5) A chartered nonpublic school. 48166
- In order to be eligible for this designation, a school shall submit a proposal that satisfies the requirements of this section. 48167
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48169
- The committee shall determine the criteria for proposals, establish procedures for the submission of proposals, accept and evaluate proposals, and choose which proposals warrant a school to be designated as a STEM school equivalent. 48170
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48173
- (B) A proposal for designation as a STEM school equivalent shall include at least the following: 48174
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- (1) A statement of which of grades kindergarten through twelve will be offered by the school; 48176
48177
- (2) Assurances that the school will operate in compliance with this section and the provisions of the proposal as accepted by the committee and that the school will maintain the STEM education practices set forth in the proposal; 48178
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- (3) Evidence that the school will exhibit school-wide 48182

cultural strategies reflecting innovation, an entrepreneurial spirit, inquiry, and collaboration with individual accountability;

(4) Evidence that the school will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to all students enrolled in the school, with the goal to prepare all students for post-secondary learning experiences, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

(b) Emphasizes the use of design thinking as a school-wide approach;

(c) Provides opportunities for students to engage in personalized learning;

(d) Includes the arts and humanities. If the proposal is for a STEAM school equivalent, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

(5) Evidence that the school leadership supports the curriculum principles of division (B) (4) of this section;

(6) A description of how the school's curriculum was developed using the principles of division (B) (4) of this section and approved by a team in accordance with section 3326.09 of the Revised Code;

(7) Evidence that the school will participate in regular

professional development and share knowledge of best practices; 48211

(8) Evidence that the school has established partnerships 48212
with institutions of higher education and businesses. If the 48213
proposal is for a STEAM school equivalent, it also shall include 48214
evidence of established partnerships with one or more arts 48215
organizations. 48216

(9) Assurances that the school has received commitments of 48217
sustained and verifiable fiscal and in-kind support from 48218
regional education and business entities. If the proposal is for 48219
a STEAM school equivalent, it also shall include assurances that 48220
the school has received commitments of sustained and verifiable 48221
fiscal and in-kind support from arts organizations. 48222

(C) (1) If a school is designated as a STEM school 48223
equivalent under this section, it shall maintain that 48224
designation for five years unless the STEM committee revokes its 48225
designation during that five-year period under division (D) of 48226
this section. At the end of that five-year period, the school 48227
shall reapply to the STEM committee in order to maintain that 48228
designation. The committee shall authorize the continuation of 48229
the school's designation as a STEM school equivalent if the 48230
committee finds that the school is in compliance with this 48231
chapter and the provisions of its proposal and any subsequent 48232
amendments to that proposal. 48233

If a school chooses not to reapply for designation as a 48234
STEM school equivalent under division (C) (1) of this section, 48235
the committee shall revoke the school's designation at the end 48236
of its five-year designation period. 48237

(2) If a school reapplies for its designation as a STEM 48238
school equivalent under division (C) (1) of this section and the 48239

committee has reason to believe that it is not in compliance 48240
with this chapter or the provisions of its proposal and any 48241
subsequent amendments to that proposal, the committee shall 48242
require the school, in collaboration with the department of 48243
education and workforce and the Ohio STEM learning network or 48244
its successor, to develop a corrective action plan. The school 48245
shall implement the corrective action plan and demonstrate 48246
exemplary STEM pedagogy and practices within one year of the 48247
plan's development. If the school fails to implement the 48248
corrective action plan to the satisfaction of the committee at 48249
the end of that year, the committee shall revoke the school's 48250
designation. 48251

(3) The department shall maintain records of the 48252
application status and designation renewal deadlines for each 48253
school that has been designated as a STEM school equivalent 48254
under this section. 48255

(D) If the STEM committee has reason to believe that a 48256
school that is designated as a STEM school equivalent under this 48257
section is not in compliance with this chapter or the provisions 48258
of its proposal and any subsequent amendments to that proposal, 48259
it may review the school's designation prior to the end of its 48260
five-year designation period. If the committee reviews a 48261
school's designation under this division, it must require the 48262
school to develop a corrective action plan in the same manner as 48263
specified in division (C)(2) of this section and implement that 48264
plan and demonstrate exemplary STEM pedagogy and practices 48265
within one year of the plan's development. If the school fails 48266
to implement the corrective action plan to the satisfaction of 48267
the committee at the end of that year, the committee shall 48268
revoke the school's designation. 48269

(E) A school that is designated as a STEM school 48270
equivalent under this section shall not be subject to the 48271
requirements of Chapter 3326. of the Revised Code, except that 48272
the school shall be subject to the requirements of this section 48273
and to the curriculum requirements of section 3326.09 of the 48274
Revised Code. 48275

Nothing in this section, however, shall relieve a 48276
community school of the applicable requirements of Chapter 3314. 48277
of the Revised Code. Nor shall anything in this section relieve 48278
a school operated by a joint vocational school district, a 48279
school operated by a comprehensive career-technical education 48280
provider, a school operated by a compact career-technical 48281
education provider, or a chartered nonpublic school of any 48282
provisions of law outside of this chapter that are applicable to 48283
such schools. 48284

(2) A school that is designated as a STEM school 48285
equivalent under this section shall not be eligible for 48286
operating funding under sections 3326.31 to 3326.37, 3326.39 to 48287
3326.40, and 3326.51 of the Revised Code. 48288

(3) A school that is designated as a STEM school 48289
equivalent under this section may apply for any of the grants 48290
and additional funds described in section 3326.38 of the Revised 48291
Code for which the school is eligible. 48292

(F) If a school that is designated as a STEM school 48293
equivalent under this section intends to close or intends to no 48294
longer be designated as a STEM school equivalent, it shall 48295
notify the STEM committee of that fact. 48296

(G) If a school that is designated as a STEM school 48297
equivalent wishes to be designated as a STEAM school equivalent, 48298

it may change its existing proposal to include the items 48299
required under divisions (B) (4) (d), (B) (8), and (B) (9) of this 48300
section and submit the revised proposal to the STEM committee 48301
for approval. 48302

Sec. 3326.04. (A) The STEM committee shall grant 48303
distinctions as STEM programs of excellence to STEM programs 48304
operated by joint vocational school districts, comprehensive 48305
career-technical education providers, compact career-technical 48306
education providers, and educational service centers in 48307
accordance with this section. 48308

(B) A joint vocational school district, comprehensive 48309
career-technical education provider, compact career-technical 48310
education provider, or educational service center may submit a 48311
proposal to the STEM committee seeking distinction as a STEM 48312
program of excellence. The proposal shall demonstrate to the 48313
satisfaction of the STEM committee that the program meets at 48314
least the following standards: 48315

(1) Unless the program is designed to serve only students 48316
identified as gifted under Chapter 3324. of the Revised Code, 48317
the program will serve all students enrolled in the grades for 48318
which the program is designed. 48319

(2) The program will provide students with the opportunity 48320
to innovate, develop an entrepreneurial spirit, engage in 48321
inquiry, and collaborate with individual accountability. 48322

(3) The program will offer a rigorous, diverse, 48323
integrated, and problem- or project-based curriculum to 48324
students, with the goal to prepare students for post-secondary 48325
learning experiences, the workforce, and citizenship, and that 48326
does all of the following: 48327

- (a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress; 48328
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- (b) Emphasizes the use of design thinking as a school-wide approach; 48331
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- (c) Provides opportunities for students to engage in personalized learning; 48333
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- (d) Includes the arts and humanities. If the proposal is for distinction as a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention. 48335
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- (4) The district, provider, or service center leadership supports the curriculum principles of division (B) (3) of this section. 48341
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- (5) The program's leaders participate in regular STEM-focused professional development and share knowledge of best practices. 48344
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- (6) The program has established partnerships with institutions of higher education and businesses. If the proposal is for distinction as a STEAM program of excellence, it also shall include evidence of established partnerships with one or more arts organizations. 48347
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- (7) The program has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for distinction as a STEAM program of excellence, the program also has received commitments of sustained and verifiable fiscal and in-kind 48352
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support from arts organizations; 48357

(8) The program's curriculum was developed using the 48358
principles described in division (B) (3) of this section and 48359
approved by a team in accordance with section 3326.09 of the 48360
Revised Code. 48361

(C) (1) If a joint vocational school district, 48362
comprehensive career-technical education provider, compact 48363
career-technical education provider, or educational service 48364
center receives a distinction as a STEM program of excellence 48365
under this section, it shall maintain that distinction for five 48366
years unless the STEM committee revokes the distinction during 48367
that five-year period under division (E) of this section. At the 48368
end of that five-year period, the district, provider, or service 48369
center shall reapply to the STEM committee in order to maintain 48370
that distinction. The committee shall authorize the continuation 48371
of the district's, provider's, or service center's distinction 48372
as a STEM program of excellence if the committee finds that the 48373
district, provider, or service center is in compliance with this 48374
chapter and the provisions of its proposal and any subsequent 48375
amendments to that proposal. 48376

If a joint vocational school district, comprehensive 48377
career-technical education provider, compact career-technical 48378
education provider, or educational service center chooses not to 48379
reapply for a distinction for a STEM program of excellence under 48380
division (C) (1) of this section, the committee shall revoke the 48381
district's, provider's, or service center's distinction at the 48382
end of its five-year period of distinction. 48383

(2) If a joint vocational school district, comprehensive 48384
career-technical education provider, compact career-technical 48385
education provider, or educational service center reapplies for 48386

distinction as a STEM program of excellence under division (C) 48387
(1) of this section and the committee has reason to believe that 48388
it is not in compliance with this chapter or the provisions of 48389
its proposal and any subsequent amendments to that proposal, the 48390
committee shall require the district, provider, or service 48391
center, in collaboration with the department of education and 48392
workforce and the Ohio STEM learning network or its successor, 48393
to develop a corrective action plan. The district, provider, or 48394
service center shall implement the corrective action plan and 48395
demonstrate exemplary STEM pedagogy and practices within one 48396
year of the plan's development. If the district, provider, or 48397
service center fails to implement the corrective action plan to 48398
the satisfaction of the committee at the end of that year, the 48399
committee shall revoke the district's, provider's, or service 48400
center's distinction. 48401

(3) The department shall maintain records of the 48402
application status and designation renewal deadlines for each 48403
joint vocational school district, comprehensive career-technical 48404
education provider, compact career-technical education provider, 48405
or educational service center that has received a distinction as 48406
a STEM program of excellence under this section. 48407

(D) If the STEM committee has reason to believe that a 48408
joint vocational school district, comprehensive career-technical 48409
education provider, compact career-technical education provider, 48410
or educational service center that has received a distinction as 48411
a STEM program of excellence under this section is not in 48412
compliance with this chapter or the provisions of its proposal 48413
and any subsequent amendments to that proposal, it may review 48414
the district's, provider's, or service center's distinction 48415
prior to the end of the five-year period during which that 48416
distinction is effective. If the committee reviews a district's, 48417

provider's, or service center's distinction under this division, 48418
it must require the district, provider, or service center to 48419
develop a corrective action plan in the same manner as specified 48420
in division (C) (2) of this section and implement that plan and 48421
demonstrate exemplary STEM pedagogy and practices within one 48422
year of the plan's development. If the district, provider, or 48423
service center fails to implement the corrective action plan to 48424
the satisfaction of the committee at the end of that year, the 48425
committee shall revoke the district's, provider's, or service 48426
center's distinction. 48427

(E) If a joint vocational school district, comprehensive 48428
career-technical education provider, compact career-technical 48429
education provider, or educational service center that has 48430
received distinction for a STEM program of excellence instead 48431
wishes to receive a distinction for a STEAM program of 48432
excellence, it may change its existing proposal to include the 48433
items required under divisions (B) (3) (d), (B) (6), and (B) (7) of 48434
this section and submit the revised proposal to the STEM 48435
committee for approval. 48436

Sec. 3326.08. (A) The governing body of each science, 48437
technology, engineering, and mathematics school shall engage the 48438
services of administrative officers, teachers, and nonteaching 48439
employees of the STEM school necessary for the school to carry 48440
out its mission and shall oversee the operations of the school. 48441
The governing body of each STEM school shall engage the services 48442
of a chief administrative officer to serve as the school's 48443
instructional and administrative leader. The chief 48444
administrative officer shall be granted the authority to oversee 48445
the recruitment, retention, and employment of teachers and 48446
nonteaching employees. 48447

(B) The department of education and workforce shall 48448
monitor the oversight of each STEM school exercised by the 48449
school's governing body and shall monitor the school's 48450
compliance with this chapter and with the proposal for the 48451
establishment of the school as it was approved by the STEM 48452
committee under section 3326.03 of the Revised Code. Except in 48453
the case of a STEM school that is governed and controlled by a 48454
school district in accordance with section 3326.51 of the 48455
Revised Code, if the department finds that the school is not in 48456
compliance with this chapter or with the proposal and the STEM 48457
committee has revoked the school's STEM designation under 48458
division (E) (1) or (2) or (F) of section 3326.03 of the Revised 48459
Code, the department shall consult with the STEM committee, and 48460
the committee shall order the school to close on the last day of 48461
the school year in which the committee issues its order. 48462

(C) The governing body of each STEM school shall comply 48463
with sections 121.22 and 149.43 of the Revised Code. 48464

Sec. 3326.081. (A) As used in this section, "license" has 48465
the same meaning as in section 3319.31 of the Revised Code. 48466

(B) If a person who is employed by a science, technology, 48467
engineering, and mathematics school established under this 48468
chapter is arrested, summoned, or indicted for an alleged 48469
violation of an offense listed in division (C) of section 48470
3319.31 of the Revised Code, if the person holds a license, or 48471
an offense listed in division (B) (1) of section 3319.39 of the 48472
Revised Code, if the person does not hold a license, the chief 48473
administrative officer of the school shall suspend that person 48474
from all duties that require the care, custody, or control of a 48475
child during the pendency of the criminal action against the 48476
person. If the person who is arrested, summoned, or indicted for 48477

an alleged violation of an offense listed in division (C) of 48478
section 3319.31 or division (B)(1) of section 3319.39 of the 48479
Revised Code is the chief administrative officer of the school, 48480
the governing body of the school shall suspend the chief 48481
administrative officer from all duties that require the care, 48482
custody, or control of a child. 48483

(C) When a person who holds a license is suspended in 48484
accordance with this section, the chief administrative officer 48485
or governing body that imposed the suspension promptly shall 48486
report the person's suspension to the department of education_ 48487
and workforce and to the state board of education. The report 48488
shall include the offense for which the person was arrested, 48489
summoned, or indicted. 48490

Sec. 3326.15. Each science, technology, engineering, and 48491
mathematics school and its governing body shall comply with 48492
sections 3313.603 and 3313.6027 of the Revised Code as if it 48493
were a school district. However, a STEM school may permit a 48494
student to earn units of high school credit based on a 48495
demonstration of subject area competency instead of or in 48496
combination with completing hours of classroom instruction prior 48497
to the adoption by the ~~state board~~ department of education and 48498
workforce of the plan for granting high school credit based on 48499
competency, as required by division (J) of that section. Upon 48500
adoption of the plan, each STEM school shall comply with that 48501
plan and award units of high school credit in accordance with 48502
the plan. 48503

Sec. 3326.17. (A) The department of education and 48504
workforce shall issue an annual report card for each science, 48505
technology, engineering, and mathematics school that includes 48506
all information applicable to school buildings under section 48507

3302.03 of the Revised Code. 48508

(B) Beginning with the report cards issued for the 2020- 48509
2021 school year, for each student enrolled in a STEM school 48510
that is not a STEM school governed by a STEM school sponsoring 48511
district, as defined in section 3326.51 of the Revised Code, the 48512
department shall combine data regarding the academic performance 48513
of that student with comparable data from the school district in 48514
which the student is entitled to attend school pursuant to 48515
section 3313.64 or 3313.65 of the Revised Code for the purpose 48516
of calculating the performance of the district as a whole on the 48517
report card issued for the district under section 3302.03 of the 48518
Revised Code. 48519

(C) The department also shall compute a rating for each 48520
group of STEM schools that is under the direction of the same 48521
governing body, as authorized under section 3326.031 of the 48522
Revised Code, and issue a distinct report card for the group as 48523
a whole. 48524

(D) Each STEM school and its governing body shall comply 48525
with sections 3302.04 and 3302.041 of the Revised Code, except 48526
that any action required to be taken by a school district 48527
pursuant to those sections shall be taken by the school. 48528
~~However, the school shall not be required to take any action-~~ 48529
~~described in division (F) of section 3302.04 of the Revised-~~ 48530
~~Code.~~ 48531

Sec. 3326.211. (A) If the auditor of state or a public 48532
accountant, pursuant to section 117.41 of the Revised Code, 48533
declares a science, technology, engineering, and mathematics 48534
school to be unauditabile, the auditor of state shall provide 48535
written notification of that declaration to the school and the 48536
department of education and workforce. The auditor of state also 48537

shall post the notification on the auditor of state's web site. 48538

(B) If the STEM school's current treasurer held that 48539
position during the period for which the school is unauditabile, 48540
upon receipt of the notification under division (A) of this 48541
section, the governing body of the school shall suspend the 48542
treasurer until the auditor of state or a public accountant has 48543
completed an audit of the school. Suspension of the treasurer 48544
may be with or without pay, as determined by the governing body 48545
based on the circumstances that prompted the auditor of state's 48546
declaration. The governing body shall appoint a person to assume 48547
the duties of the treasurer during the period of the suspension. 48548
If the appointee is not licensed as a treasurer under section 48549
3301.074 of the Revised Code, the appointee shall be approved by 48550
the ~~superintendent of public instruction~~ director of education 48551
and workforce before assuming the duties of the treasurer. The 48552
state board of education may take action under section 3319.31 48553
of the Revised Code to suspend, revoke, or limit the license of 48554
a treasurer who has been suspended under this division. 48555

(C) Not later than forty-five days after receiving the 48556
notification under division (A) of this section, the governing 48557
body of the STEM school shall provide a written response to the 48558
auditor of state. The response shall include the following: 48559

(1) An overview of the process the governing body will use 48560
to review and understand the circumstances that led to the 48561
school becoming unauditabile; 48562

(2) A plan for providing the auditor of state with the 48563
documentation necessary to complete an audit of the school and 48564
for ensuring that all financial documents are available in the 48565
future; 48566

(3) The actions the governing body will take to ensure 48567
that the plan described in division (C) (2) of this section is 48568
implemented. 48569

(D) If the STEM school fails to make reasonable efforts 48570
and continuing progress to bring its accounts, records, files, 48571
or reports into an auditable condition within ninety days after 48572
being declared unauditale, the auditor of state, in addition to 48573
requesting legal action under sections 117.41 and 117.42 of the 48574
Revised Code, shall notify the school and the department of the 48575
school's failure. If the auditor of state or a public accountant 48576
subsequently is able to complete a financial audit of the 48577
school, the auditor of state shall notify the school and the 48578
department that the audit has been completed. 48579

(E) Notwithstanding any provision to the contrary in this 48580
chapter or in any other provision of law, upon notification by 48581
the auditor of state under division (D) of this section that the 48582
STEM school has failed to make reasonable efforts and continuing 48583
progress to bring its accounts, records, files, or reports into 48584
an auditable condition, the department shall immediately cease 48585
all payments to the school under this chapter and any other 48586
provision of law. Upon subsequent notification from the auditor 48587
of state under that division that the auditor of state or a 48588
public accountant was able to complete a financial audit of the 48589
school, the department shall release all funds withheld from the 48590
school under this section. 48591

Sec. 3326.23. This section does not apply to any science, 48592
technology, engineering, and mathematics school that is governed 48593
and controlled by a school district in accordance with section 48594
3326.51 of the Revised Code on or after ~~the effective date of~~ 48595
~~this amendment~~ September 30, 2021. 48596

The governing body of each science, technology, 48597
engineering, and mathematics school annually shall provide the 48598
following assurances in writing to the department of education_ 48599
and workforce not later than ten business days prior to the 48600
opening of the school: 48601

(A) That the school has a plan for providing special 48602
education and related services to students with disabilities and 48603
has demonstrated the capacity to provide those services in 48604
accordance with Chapter 3323. of the Revised Code and federal 48605
law; 48606

(B) That the school has a plan and procedures for 48607
administering the achievement and diagnostic assessments 48608
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of 48609
the Revised Code; 48610

(C) That school personnel have the necessary training, 48611
knowledge, and resources to properly use and submit information 48612
to all databases maintained by the department for the collection 48613
of education data, including the education management 48614
information system established under section 3301.0714 of the 48615
Revised Code; 48616

(D) That all required information about the school has 48617
been submitted to the Ohio education directory system or any 48618
successor system; 48619

(E) That all classroom teachers are licensed in accordance 48620
with sections 3319.22 to 3319.31 of the Revised Code or are 48621
engaged to teach pursuant to section 3319.301 of the Revised 48622
Code; 48623

(F) That the school's treasurer is in compliance with 48624
section 3326.21 of the Revised Code; 48625

(G) That the school has complied with sections 3319.39 and 3319.391 of the Revised Code with respect to all employees and that the school has conducted a criminal records check of each of its governing body members;

(H) That the school holds all of the following:

(1) Proof of property ownership or a lease for the facilities used by the school;

(2) A certificate of occupancy;

(3) Liability insurance for the school, as required by section 3326.11 of the Revised Code;

(4) A satisfactory health and safety inspection;

(5) A satisfactory fire inspection;

(6) A valid food permit, if applicable.

(I) That the governing body has conducted a pre-opening site visit to the school for the school year for which the assurances are provided;

(J) That the school has designated a date it will open for the school year for which the assurances are provided;

(K) That the school has met all of the governing body's requirements for opening and any other requirements of the governing body.

Sec. 3326.28. (A) With the approval of its governing body, a STEM school established under this chapter may procure epinephrine autoinjectors in the manner prescribed by section 3313.7110 of the Revised Code. A STEM school that elects to do so shall comply with all provisions of that section as if it were a school district.

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

(a) A STEM school;

(b) A member of a STEM school governing body;

(c) A STEM school employee or contractor;

(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.

(2) This division does not eliminate, limit, or reduce any other immunity or defense that a STEM school or governing body, member of a STEM school governing body, STEM school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(C) A STEM school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.

(D) A STEM school that elects to procure epinephrine autoinjectors under this section shall report to the department of education and workforce each procurement and occurrence in which an epinephrine autoinjector is used from the school's supply of epinephrine autoinjectors.

Sec. 3326.30. (A) As used in this section, "inhaler" has 48682
the same meaning as in section 3313.7113 of the Revised Code. 48683

(B) With the approval of its governing body, a STEM school 48684
may procure inhalers in the manner prescribed by section 48685
3313.7113 of the Revised Code. A STEM school that elects to do 48686
so shall comply with all provisions of that section as if it 48687
were a school district. 48688

(C) A STEM school, a member of a STEM school governing 48689
body, or a STEM school employee or contractor is not liable in 48690
damages in a civil action for injury, death, or loss to person 48691
or property that allegedly arises from an act or omission 48692
associated with procuring, maintaining, accessing, or using an 48693
inhaler under this section, unless the act or omission 48694
constitutes willful or wanton misconduct. 48695

This division does not eliminate, limit, or reduce any 48696
other immunity or defense that a STEM school or governing body, 48697
member of a STEM school governing body, or STEM school employee 48698
or contractor may be entitled to under Chapter 2744. or any 48699
other provision of the Revised Code or under the common law of 48700
this state. 48701

(D) A STEM school may accept donations of inhalers from a 48702
wholesale distributor of dangerous drugs or a manufacturer of 48703
dangerous drugs, as defined in section 4729.01 of the Revised 48704
Code, and may accept donations of money from any person to 48705
purchase inhalers. 48706

(E) A STEM school that elects to procure inhalers under 48707
this section shall report to the department of education and 48708
workforce each procurement and occurrence in which an inhaler is 48709
used from the school's supply of inhalers. 48710

Sec. 3326.32. Each science, technology, engineering, and mathematics school shall report to the department of education_ 48711
and workforce, in the form and manner required by the 48712
department, all of the following information: 48713
48714

(A) The total number of students enrolled in the school 48715
who are residents of this state; 48716

(B) The number of students reported under division (A) of 48717
this section who are receiving special education and related 48718
services pursuant to an IEP; 48719

(C) For each student reported under division (B) of this 48720
section, which category specified in divisions (A) to (F) of 48721
section 3317.013 of the Revised Code applies to the student; 48722

(D) The full-time equivalent number of students reported 48723
under division (A) of this section who are enrolled in career- 48724
technical education programs or classes described in each of 48725
divisions (A) (1), (2), (3), (4), and (5) of section 3317.014 of 48726
the Revised Code that are provided by the STEM school; 48727

(E) The number of students reported under division (A) of 48728
this section who are English learners and which category 48729
specified in divisions (A) to (C) of section 3317.016 of the 48730
Revised Code applies to each student; 48731

(F) The number of students reported under division (A) of 48732
this section who are economically disadvantaged, as defined by 48733
the department. A student shall not be categorically excluded 48734
from the number reported under division (F) of this section 48735
based on anything other than family income. 48736

(G) The resident district of each student reported under 48737
division (A) of this section; 48738

(H) The total number of students enrolled in the school 48739
who are not residents of this state and any additional 48740
information regarding these students that the department 48741
requires the school to report. The school shall not receive any 48742
payments under this chapter for students reported under this 48743
division. 48744

(I) Any additional information the department determines 48745
necessary to make payments under this chapter. 48746

Sec. 3326.34. If a science, technology, engineering, and 48747
mathematics school established under this chapter incurs costs 48748
for a fiscal year for a student receiving special education and 48749
related services pursuant to an IEP for a disability described 48750
in divisions (B) to (F) of section 3317.013 of the Revised Code 48751
that exceed the threshold catastrophic cost for serving the 48752
student as specified in division (B) of section 3317.0214 of the 48753
Revised Code, the STEM school may submit to the ~~superintendent~~ 48754
~~of public instruction~~ department of education and workforce 48755
documentation, as prescribed by the ~~superintendent~~ department, of 48756
all its costs for that student. Upon submission of documentation 48757
for a student of the type and in the manner prescribed, the 48758
~~department of education~~ shall pay to the school or, if the 48759
school is part of a group of science, technology, engineering, 48760
and mathematics schools under section 3326.031 of the Revised 48761
Code, to the governing body of that group an amount equal to the 48762
school's costs for the student in excess of the threshold 48763
catastrophic costs. 48764

The school shall only report under this section, and the 48765
department shall only pay for, the costs of educational expenses 48766
and the related services provided to the student in accordance 48767
with the student's IEP. Any legal fees, court costs, or other 48768

costs associated with any cause of action relating to the 48769
student may not be included in the amount. 48770

Sec. 3326.35. The department of education and workforce 48771
shall adjust the amounts paid under section 3317.022 of the 48772
Revised Code to reflect any enrollment of students in science, 48773
technology, engineering, and mathematics schools for less than 48774
the equivalent of a full school year. 48775

Sec. 3326.36. The department of education and workforce 48776
shall reduce the amounts paid to a science, technology, 48777
engineering, and mathematics school or to the governing body of 48778
a group of science, technology, engineering, and mathematics 48779
schools under section 3317.022 of the Revised Code to reflect 48780
payments made to colleges under section 3365.07 of the Revised 48781
Code. A student shall be considered enrolled in the school for 48782
any portion of the school year the student is attending a 48783
college under Chapter 3365. of the Revised Code. 48784

Sec. 3326.37. The department of education and workforce 48785
shall not pay to a science, technology, engineering, and 48786
mathematics school or to the governing body of a group of 48787
science, technology, engineering, or mathematics schools any 48788
amount for any of the following: 48789

(A) Any student who has graduated from the twelfth grade 48790
of a public or nonpublic school; 48791

(B) Any student who is not a resident of the state; 48792

(C) Any student who was enrolled in a STEM school during 48793
the previous school year when assessments were administered 48794
under section 3301.0711 of the Revised Code but did not take one 48795
or more of the assessments required by that section and was not 48796
excused pursuant to division (C)(1) or (3) of that section, 48797

unless the ~~superintendent of public instruction~~ director of 48798
education and workforce grants the student a waiver from the 48799
requirement to take the assessment. The ~~superintendent~~ director 48800
may grant a waiver only for good cause in accordance with rules 48801
adopted by the ~~state board of education~~ department. 48802

(D) Any student who has attained the age of twenty-two 48803
years, except for veterans of the armed services whose 48804
attendance was interrupted before completing the recognized 48805
twelve-year course of the public schools by reason of induction 48806
or enlistment in the armed forces and who apply for enrollment 48807
in a STEM school not later than four years after termination of 48808
war or their honorable discharge. If, however, any such veteran 48809
elects to enroll in special courses organized for veterans for 48810
whom tuition is paid under federal law, or otherwise, the 48811
department shall not pay to the school or to the governing body 48812
any amount for that veteran. 48813

Sec. 3326.45. (A) The governing body of a science, 48814
technology, engineering, and mathematics school may contract 48815
with the governing board of an educational service center or the 48816
board of education of a joint vocational school district for the 48817
provision of services to the STEM school or to any student 48818
enrolled in the school. Services provided under the contract and 48819
the amount to be paid for those services shall be mutually 48820
agreed to by the parties to the contract, and shall be specified 48821
in the contract. 48822

(B) A contract entered into under this section may require 48823
an educational service center to provide any one or a 48824
combination of the following services to a STEM school: 48825

(1) Supervisory teachers; 48826

(2) In-service and continuing education programs for personnel of the STEM school;	48827 48828
(3) Curriculum services as provided to the client school districts of the service center;	48829 48830
(4) Research and development programs;	48831
(5) Academic instruction for which the service center governing board employs teachers;	48832 48833
(6) Assistance in the provision of special accommodations and classes for students with disabilities.	48834 48835
Services described in division (B) of this section shall be provided to the STEM school in the same manner they are provided to client school districts of the service center, unless otherwise specified in the contract. The contract shall specify whether the service center will receive a per-pupil payment from the department of education <u>and workforce</u> for the provision of these services and, if so, the amount of the per-pupil payment.	48836 48837 48838 48839 48840 48841 48842 48843
(C) For each contract entered into under this section, the department shall deduct the amount owed by the STEM school from the state funds due to the STEM school under this chapter and shall pay that amount to the educational service center or joint vocational school district that is party to the contract.	48844 48845 48846 48847 48848
(D) No contract entered into under this section shall be valid unless a copy is filed with the department by the first day of the school year for which the contract is in effect.	48849 48850 48851
(E) As used in this section, "client school district" means a city, exempted village, or local school district that has entered into an agreement under section 3313.843 or 3313.845	48852 48853 48854

of the Revised Code to receive any services from an educational service center. 48855
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Sec. 3326.51. (A) As used in this section: 48857

(1) "Resident district" has the same meaning as in section 48858
3326.31 of the Revised Code. 48859

(2) "STEM school sponsoring district" means a municipal, 48860
city, local, or exempted village school district that governs 48861
and controls a STEM school pursuant to this section. 48862

(B) Notwithstanding any other provision of this chapter to 48863
the contrary: 48864

(1) If a proposal for a STEM school submitted under 48865
section 3326.03 of the Revised Code proposes that the governing 48866
body of the school be the board of education of a municipal, 48867
city, local, or exempted village school district that is one of 48868
the partners submitting the proposal, and the STEM committee 48869
approves that proposal, that school district board shall govern 48870
and control the STEM school as one of the schools of its 48871
district. 48872

(2) The STEM school sponsoring district shall maintain a 48873
separate accounting for the STEM school as a separate and 48874
distinct operational unit within the district's finances. The 48875
auditor of state, in the course of an annual or biennial audit 48876
of the school district serving as the STEM school sponsoring 48877
district, shall audit that school district for compliance with 48878
the financing requirements of this section. 48879

(3) With respect to students enrolled in a STEM school 48880
whose resident district is the STEM school sponsoring district: 48881

(a) The department of education and workforce shall make 48882

payments to the school in accordance with section 3317.022 of 48883
the Revised Code from the STEM school sponsoring district's 48884
state payments. 48885

(b) The STEM school sponsoring district is responsible for 48886
providing children with disabilities with a free appropriate 48887
public education under Chapter 3323. of the Revised Code. 48888

(c) The STEM school sponsoring district shall provide 48889
student transportation in accordance with laws and policies 48890
generally applicable to the district. 48891

(4) With respect to students enrolled in the STEM school 48892
whose resident district is another school district, the 48893
department shall consider the students as open enrollment 48894
students and shall make payments to the school in accordance 48895
with section 3317.022 of the Revised Code. 48896

(5) A STEM school sponsoring district and its board may 48897
assign its district employees to the STEM school, in which case 48898
section 3326.18 of the Revised Code shall not apply. The 48899
district and board may apply any other resources of the district 48900
to the STEM school in the same manner that it applies district 48901
resources to other district schools. 48902

(6) Provisions of this chapter requiring a STEM school and 48903
its governing body to comply with specified laws as if it were a 48904
school district and in the same manner as a board of education 48905
shall instead require such compliance by the STEM school 48906
sponsoring district and its board of education, respectively, 48907
with respect to the STEM school. Where a STEM school or its 48908
governing body is required to perform a specific duty or 48909
permitted to take a specific action under this chapter, that 48910
duty is required to be performed or that action is permitted to 48911

be taken by the STEM school sponsoring district or its board of education, respectively, with respect to the STEM school. 48912
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(7) No provision of this chapter limits the authority, as provided otherwise by law, of a school district and its board of education to levy taxes and issue bonds secured by tax revenues. 48914
48915
48916

(8) The treasurer of the STEM school sponsoring district or, if the STEM school sponsoring district is a municipal school district, the chief financial officer of the district, shall have all of the respective rights, authority, exemptions, and duties otherwise conferred upon the treasurer or chief financial officer by the Revised Code. 48917
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Sec. 3326.60. (A) With the approval of its governing body, a STEM school established under this chapter may procure injectable or nasally administered glucagon in the manner prescribed by section 3313.7115 of the Revised Code. A STEM school that elects to do so shall comply with all provisions of that section as if it were a school district. 48923
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(B) (1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct: 48929
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(a) A STEM school; 48935

(b) A member of a STEM school governing body; 48936

(c) A STEM school employee or contractor; 48937

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or 48938
48939

nasally administered glucagon, provides a consultation, or 48940
issues a protocol pursuant to this section. 48941

(2) This division does not eliminate, limit, or reduce any 48942
other immunity or defense that a STEM school or governing body, 48943
member of a STEM school governing body, STEM school employee or 48944
contractor, or licensed health professional may be entitled to 48945
under Chapter 2744. or any other provision of the Revised Code 48946
or under the common law of this state. 48947

(C) A STEM school may accept donations of injectable or 48948
nasally administered glucagon from a wholesale distributor of 48949
dangerous drugs or a manufacturer of dangerous drugs, as defined 48950
in section 4729.01 of the Revised Code, and may accept donations 48951
of money from any person to purchase the drug. 48952

(D) A STEM school that elects to procure injectable or 48953
nasally administered glucagon under this section shall report to 48954
the department of education and workforce each procurement and 48955
each occurrence in which a dose of the drug is used from the 48956
school's supply. 48957

Sec. 3327.01. Notwithstanding division (D) of section 48958
3311.19 and division (D) of section 3311.52 of the Revised Code, 48959
this section and sections 3327.011, 3327.012, and 3327.02 of the 48960
Revised Code do not apply to any joint vocational or cooperative 48961
education school district. 48962

In all city, local, and exempted village school districts 48963
where resident school pupils in grades kindergarten through 48964
eight live more than two miles from the school for which the 48965
~~state board~~ director of education and workforce prescribes 48966
minimum standards pursuant to division (D) of section 3301.07 of 48967
the Revised Code and to which they are assigned by the board of 48968

education of the district of residence or to and from the 48969
nonpublic or community school which they attend, the board of 48970
education shall provide transportation for such pupils to and 48971
from that school except as provided in section 3327.02 of the 48972
Revised Code. 48973

In all city, local, and exempted village school districts 48974
where pupil transportation is required under a career-technical 48975
plan approved by the ~~state board~~ department of education and 48976
workforce under section 3313.90 of the Revised Code, for any 48977
student attending a career-technical program operated by another 48978
school district, including a joint vocational school district, 48979
as prescribed under that section, the board of education of the 48980
student's district of residence shall provide transportation 48981
from the public high school operated by that district to which 48982
the student is assigned to the career-technical program. 48983

In all city, local, and exempted village school districts, 48984
the board may provide transportation for resident school pupils 48985
in grades nine through twelve to and from the high school to 48986
which they are assigned by the board of education of the 48987
district of residence or to and from the nonpublic or community 48988
high school which they attend for which the ~~state board~~ director 48989
of education and workforce prescribes minimum standards pursuant 48990
to division (D) of section 3301.07 of the Revised Code. 48991

A board of education shall not be required to transport 48992
elementary or high school pupils to and from a nonpublic or 48993
community school where such transportation would require more 48994
than thirty minutes of direct travel time as measured by school 48995
bus from the public school building to which the pupils would be 48996
assigned if attending the public school designated by the 48997
district of residence. 48998

Where it is impractical to transport a pupil by school conveyance, a board of education may offer payment, in lieu of providing such transportation in accordance with section 3327.02 of the Revised Code.

A board of education shall provide transportation to students enrolled in a community school or nonpublic school in accordance with this section on each day in which that school is open for operation with students in attendance, regardless of whether the district's own schools are open for operation with students in attendance on that day. However, a board of education shall not be required to transport elementary or high school pupils to and from a nonpublic or community school on Saturday or Sunday, unless a board of education and a nonpublic or community school have an agreement in place to do so before the first day of July of the school year in which the agreement takes effect.

In all city, local, and exempted village school districts, the board shall provide transportation for all children who are so disabled that they are unable to walk to and from the school for which the ~~state board~~ director of education and workforce prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code and which they attend. In case of dispute whether the child is able to walk to and from the school, the health commissioner shall be the judge of such ability. In all city, exempted village, and local school districts, the board shall provide transportation to and from school or special education classes for mentally disabled children in accordance with standards adopted by the ~~state board~~ department of education and workforce.

When transportation of pupils is provided the conveyance

shall be run on a time schedule that shall be adopted and put in 49029
force by the board not later than ten days after the beginning 49030
of the school term. The operator of every school bus or motor 49031
van owned and operated by any school district or educational 49032
service center or privately owned and operated under contract 49033
with any school district or service center in this state shall 49034
deliver students enrolled in preschool through twelfth grades to 49035
their respective public and nonpublic schools not sooner than 49036
thirty minutes prior to the beginning of school and to be 49037
available to pick them up not later than thirty minutes after 49038
the close of their respective schools each day. 49039

The cost of any transportation service authorized by this 49040
section shall be paid first out of federal funds, if any, 49041
available for the purpose of pupil transportation, and secondly 49042
out of state appropriations, in accordance with regulations 49043
adopted by the ~~state board of education~~department. 49044

No transportation of any pupils shall be provided by any 49045
board of education to or from any school which in the selection 49046
of pupils, faculty members, or employees, practices 49047
discrimination against any person on the grounds of race, color, 49048
religion, or national origin. 49049

Sec. 3327.011. In determining how best to provide 49050
transportation, where persons or firms on or after April 1, 49051
1965, were providing transportation to and from schools pursuant 49052
to contracts with persons or agencies responsible for the 49053
operation of such schools, the board of education responsible 49054
for transportation in accordance with section 3327.01 of the 49055
Revised Code shall give preference if economically feasible 49056
during the term of any such contract to the firm or person 49057
providing such transportation. The boards of education within 49058

the county or group of counties shall establish transportation 49059
routes, schedules, and utilization of transportation equipment. 49060
The appeals from the determination of the board of education 49061
responsible for transportation shall be taken to the ~~state board-~~ 49062
department of education and workforce. 49063

Sec. 3327.012. Payments to school districts for 49064
transportation of school pupils shall be made on a current basis 49065
according to an estimate which shall be filed with the ~~state-~~ 49066
~~board department of education and workforce~~ by respective school 49067
districts in accordance with rules which the ~~state board of-~~ 49068
~~education department~~ shall promulgate. The sum due the 49069
respective school district as calculated from approved cost in 49070
accordance with the rules of the board of education shall be 49071
adjusted annually in the quarter next following the end of the 49072
school year. The ~~superintendent of public instruction, subject-~~ 49073
~~to the approval of the state board of education, department~~ may 49074
contract with any firm, person, or board of education to provide 49075
pupil transportation services authorized by this section. In no 49076
event shall the payment for such contract service exceed the 49077
average transportation cost per pupil, such average cost to be 49078
based on the cost of transportation of children by all boards of 49079
education in Ohio during the next preceding year. 49080

Sec. 3327.018. The board of education of each city, local, 49081
or exempted village school district that owns and operates buses 49082
for transporting students may contract, in writing, with a 49083
public or private not-for-profit agency, group, or organization, 49084
with a municipal corporation or other political subdivision or 49085
agency of the state, or with an agency of the federal government 49086
to operate its buses to assist the agency, group, organization, 49087
or political subdivision in the fulfillment of its legitimate 49088
activities and in times of emergency. These contracts shall be 49089

entered into under the authority of the school district as a 49090
political subdivision and shall not be considered commerce. When 49091
buses are made available to other agencies, groups, 49092
organizations, or political subdivisions under this section, the 49093
buses must be operated by individuals holding certificates 49094
issued by either the educational service center governing board 49095
that has entered into an agreement with the school district 49096
under section 3313.843 or 3313.845 of the Revised Code or the 49097
superintendent of the school district certifying that the 49098
individuals satisfy the requirements of section 3327.10 of the 49099
Revised Code. All ~~state board~~ department of education and 49100
workforce regulations governing the operation of school buses 49101
when transporting students shall apply when buses are used in 49102
accordance with this section. 49103

Any board of education of a city, local, or exempted 49104
village school district that makes one or more of its vehicles 49105
available under this section shall procure liability and 49106
property damage insurance, as provided in section 3327.09 of the 49107
Revised Code, covering all vehicles used and passengers 49108
transported under this section. The board of education may 49109
recover expenses from contracting entities, not to exceed the 49110
costs of operation and insurance coverage. 49111

Sec. 3327.02. (A) After considering each of the following 49112
factors, the board of education of a city, exempted village, or 49113
local school district, or a community school governing authority 49114
providing transportation pursuant to section 3314.091 of the 49115
Revised Code, may determine that it is impractical to transport 49116
a pupil who is eligible for transportation to and from a school 49117
under section 3327.01 of the Revised Code: 49118

(1) The time and distance required to provide the 49119

transportation; 49120

(2) The number of pupils to be transported; 49121

(3) The cost of providing transportation in terms of 49122
equipment, maintenance, personnel, and administration; 49123

(4) Whether similar or equivalent service is provided to 49124
other pupils eligible for transportation; 49125

(5) Whether and to what extent the additional service 49126
unavoidably disrupts current transportation schedules; 49127

(6) Whether other reimbursable types of transportation are 49128
available. 49129

(B) Based on its consideration of the factors established 49130
in division (A) of this section, the board or governing 49131
authority may pass a resolution declaring the impracticality of 49132
transportation. The resolution shall include each pupil's name 49133
and the reason for impracticality. Such determination shall be 49134
made not later than thirty calendar days prior to the district's 49135
or school's first day of instruction, or in the case of a 49136
student who enrolls within thirty calendar days prior to the 49137
first day of instruction or on or after the first day of 49138
instruction, not later than fourteen calendar days after the 49139
student's enrollment. The determination may be made by the 49140
superintendent and formalized at the next following meeting of 49141
the board or governing authority. 49142

The board or governing authority shall report its 49143
determination to the ~~state board~~ department of education and 49144
workforce in a manner determined by the ~~state board~~ department. 49145

In addition, the board or governing authority shall issue 49146
a letter to the pupil's parent, guardian, or other person in 49147

charge of the pupil, the nonpublic or community school in which 49148
the pupil is enrolled, and to the ~~state board~~ department with a 49149
detailed description of the reasons for which such determination 49150
was made. 49151

(C) After passing the resolution declaring the 49152
impracticality of transportation, the district board or 49153
governing authority shall offer to provide payment in lieu of 49154
transportation by doing the following: 49155

(1) In accordance with guidelines established by the 49156
~~department of education~~, informing the pupil's parent, guardian, 49157
or other person in charge of the pupil of both of the following: 49158

(a) The resolution; 49159

(b) The right of the pupil's parent, guardian, or other 49160
person in charge of the pupil to accept the offer of payment in 49161
lieu of transportation or to reject the offer and instead 49162
request the department to initiate mediation procedures. 49163

(2) Issuing the pupil's parent, guardian, or other person 49164
in charge of the pupil a contract or other form on which the 49165
parent, guardian, or other person in charge of the pupil is 49166
given the option to accept or reject the board's offer of 49167
payment in lieu of transportation. 49168

(D) If the parent, guardian, or other person in charge of 49169
the pupil accepts the offer of payment in lieu of providing 49170
transportation, the board or governing authority shall pay the 49171
parent, guardian, or other person in charge of the pupil an 49172
amount that shall be not less than fifty per cent, and not more 49173
than the amount determined by the ~~department of education~~ as the 49174
average cost of pupil transportation for the previous school 49175
year. Payment may be prorated if the time period involved is 49176

only a part of the school year. 49177

(E) (1) (a) Upon the request of a parent, guardian, or other 49178
person in charge of the pupil who rejected the payment in lieu 49179
of transportation, the department shall conduct mediation 49180
procedures. A parent, guardian, or other person in charge of the 49181
pupil may authorize the nonpublic or community school in which 49182
the pupil is enrolled to act on the parent's, guardian's, or 49183
other person's behalf during the mediation proceedings. 49184

(b) If the mediation does not resolve the dispute, the 49185
~~state board~~ department shall conduct a hearing in accordance 49186
with Chapter 119. of the Revised Code. The ~~state board~~ 49187
department may approve the payment in lieu of transportation or 49188
may order the district board of education or governing authority 49189
to provide transportation. The decision of the ~~state board~~ 49190
department is binding in subsequent years and on future parties 49191
in interest provided the facts of the determination remain 49192
comparable. 49193

(2) The school district or governing authority shall 49194
provide transportation for the pupil from the time the parent, 49195
guardian, or other person in charge of the pupil requests 49196
mediation until the matter is resolved under division (E) (1) (a) 49197
or (b) of this section. 49198

(F) (1) If the department determines that a school district 49199
board or governing authority has failed or is failing to provide 49200
transportation as required by division (E) (2) of this section or 49201
as ordered by the ~~state board~~ department under division (E) (1) 49202
(b) of this section, the department shall order the school 49203
district board or governing authority to pay to the pupil's 49204
parent, guardian, or other person in charge of the pupil, an 49205
amount equal to fifty per cent of the cost of providing 49206

transportation as determined by the board or governing authority 49207
under division (A) (3) of this section, and not more than two 49208
thousand five hundred dollars. The school district board or 49209
governing authority shall make payments on a schedule ordered by 49210
the department. 49211

(2) If the department subsequently finds that a school 49212
district board is not in compliance with an order issued under 49213
division (F) (1) of this section and the affected pupils are 49214
enrolled in a nonpublic or community school, the department 49215
shall deduct the amount that the board is required to pay under 49216
that order from any pupil transportation payments the department 49217
makes to the school district board under section 3317.0212 of 49218
the Revised Code or other provisions of law. The department 49219
shall use the moneys so deducted to make payments to the 49220
nonpublic or community school attended by the pupil. The 49221
department shall continue to make the deductions and payments 49222
required under this division until the school district board 49223
either complies with the department's order issued under 49224
division (F) (1) of this section or begins providing 49225
transportation. 49226

(G) A nonpublic or community school that receives payments 49227
from the department under division (F) (2) of this section shall 49228
do either of the following: 49229

(1) Disburse the entire amount of the payments to the 49230
parent, guardian, or other person in charge of the pupil 49231
affected by the failure of the school district of residence to 49232
provide transportation; 49233

(2) Use the entire amount of the payments to provide 49234
acceptable transportation for the affected pupil. 49235

(H) At any time after a parent, guardian, or other person in charge of a pupil requests transportation for a pupil, that parent, guardian, or other person may authorize the nonpublic or community school in which the pupil is enrolled to act on the parent's, guardian's, or other person's behalf for purposes of this section.

Sec. 3327.021. The department of education and workforce shall monitor each city, local, or exempted village school district's compliance with sections 3327.01 and 3327.016 and division (B) of section 3327.017 of the Revised Code. If the department determines a consistent or prolonged period of noncompliance on the part of the school district to provide transportation as required under those sections, the department shall deduct from the district's payment for student transportation under Chapter 3317. of the Revised Code the total daily amount of that payment, as computed by the department, for each day that the district is not in compliance.

This section does not affect the authority of a school district to provide payment in lieu of transportation in accordance with section 3327.02 of the Revised Code.

Sec. 3327.05. (A) Except as provided in division (B) of this section, no board of education of any school district shall provide transportation for any pupil who is a school resident of another school district unless the pupil is enrolled pursuant to section 3313.98 of the Revised Code or the board of the other district has given its written consent thereto. If the board of any school district files with the ~~state board~~ department of education and workforce a written complaint that transportation for resident pupils is being provided by the board of another school district contrary to this division, the ~~state board of~~

~~education department~~ shall make an investigation of such 49266
complaint. If the ~~state board of education department~~ finds that 49267
transportation is being provided contrary to this section, it 49268
may withdraw from state funds due the offending district any 49269
part of the amount that has been approved for transportation 49270
pursuant to section 3317.0212 of the Revised Code or other 49271
provisions of law. 49272

(B) Notwithstanding division (D) of section 3311.19 and 49273
division (D) of section 3311.52 of the Revised Code, this 49274
division does not apply to any joint vocational or cooperative 49275
education school district. 49276

A board of education may provide transportation to and 49277
from the nonpublic school of attendance if both of the following 49278
apply: 49279

(1) The parent, guardian, or other person in charge of the 49280
pupil agrees to pay the board for all costs incurred in 49281
providing the transportation that are not reimbursed pursuant to 49282
Chapter 3317. of the Revised Code; 49283

(2) The pupil's school district of residence does not 49284
provide transportation for public school pupils of the same 49285
grade as the pupil being transported under this division, or 49286
that district is not required under section 3327.01 of the 49287
Revised Code to transport the pupil to and from the nonpublic 49288
school because the direct travel time to the nonpublic school is 49289
more than thirty minutes. 49290

Upon receipt of the request to provide transportation, the 49291
board shall review the request and determine whether the board 49292
will accommodate the request. If the board agrees to transport 49293
the pupil, the board may transport the pupil to and from the 49294

nonpublic school and a collection point in the district, as 49295
determined by the board. If the board transports the pupil, the 49296
board may include the pupil in the district's enrollment 49297
reported to the department ~~of education~~ for purposes of 49298
calculating the district's transportation ADM under section 49299
3317.03 of the Revised Code and, accordingly, may receive a 49300
state payment under section 3317.0212 of the Revised Code or 49301
other provisions of law for transporting the pupil. 49302

If the board declines to transport the pupil, the board, 49303
in a written communication to the parent, guardian, or other 49304
person in charge of the pupil, shall state the reasons for 49305
declining the request. 49306

Sec. 3327.08. Boards of education of city school 49307
districts, local school districts, exempted village school 49308
districts, cooperative education school districts, and joint 49309
vocational school districts and governing boards of educational 49310
service centers may purchase on individual contract school buses 49311
and other equipment used in transporting children to and from 49312
school and to other functions as authorized by the boards, or 49313
the boards, at their discretion, may purchase the buses and 49314
equipment through any system of centralized purchasing 49315
established by the ~~state~~ department of education and workforce 49316
for that purpose, provided that state subsidy payments shall be 49317
based on the amount of the lowest price available to the boards 49318
by either method of purchase. No board shall be deprived of any 49319
form of state assistance in the purchase of buses and equipment 49320
by reason of purchases of buses and equipment on an individual 49321
contract. 49322

The purchase of school buses shall be made only after 49323
competitive bidding in accordance with section 3313.46 of the 49324

Revised Code. All bids shall state that the buses, prior to 49325
delivery, will comply with the safety rules of the department of 49326
public safety adopted pursuant to section 4511.76 of the Revised 49327
Code and all other pertinent provisions of law. 49328

At no time shall bid bonds be required for the purchase of 49329
school buses, unless the district board or educational service 49330
center governing board requests that bid bonds be part of the 49331
competitive bidding process for a specified purchase. 49332

Sec. 3327.10. (A) No person shall be employed as driver of 49333
a school bus or motor van, owned and operated by any school 49334
district or educational service center or privately owned and 49335
operated under contract with any school district or service 49336
center in this state, who has not received a certificate from 49337
either the educational service center governing board that has 49338
entered into an agreement with the school district under section 49339
3313.843 or 3313.845 of the Revised Code or the superintendent 49340
of the school district, certifying that such person is at least 49341
eighteen years of age and is qualified physically and otherwise 49342
for such position. The service center governing board or the 49343
superintendent, as the case may be, shall provide for an annual 49344
physical examination that conforms with rules adopted by the 49345
~~state board department of education and workforce~~ of each driver 49346
to ascertain the driver's physical fitness for such employment. 49347
The examination shall be performed by one of the following: 49348

(1) A person licensed under Chapter 4731. or 4734. of the 49349
Revised Code or by another state to practice medicine and 49350
surgery, osteopathic medicine and surgery, or chiropractic; 49351

(2) A physician assistant; 49352

(3) A certified nurse practitioner; 49353

- (4) A clinical nurse specialist; 49354
- (5) A certified nurse-midwife; 49355
- (6) A medical examiner who is listed on the national 49356
registry of certified medical examiners established by the 49357
federal motor carrier safety administration in accordance with 49358
49 C.F.R. part 390. 49359
- Any certificate may be revoked by the authority granting 49360
the same on proof that the holder has been guilty of failing to 49361
comply with division (D) (1) of this section, or upon a 49362
conviction or a guilty plea for a violation, or any other 49363
action, that results in a loss or suspension of driving rights. 49364
Failure to comply with such division may be cause for 49365
disciplinary action or termination of employment under division 49366
(C) of section 3319.081, or section 124.34 of the Revised Code. 49367
- (B) No person shall be employed as driver of a school bus 49368
or motor van not subject to the rules of the department ~~of~~ 49369
~~education~~ pursuant to division (A) of this section who has not 49370
received a certificate from the school administrator or 49371
contractor certifying that such person is at least eighteen 49372
years of age and is qualified physically and otherwise for such 49373
position. Each driver shall have an annual physical examination 49374
which conforms to the state highway patrol rules, ascertaining 49375
the driver's physical fitness for such employment. The 49376
examination shall be performed by one of the following: 49377
- (1) A person licensed under Chapter 4731. or 4734. of the 49378
Revised Code or by another state to practice medicine and 49379
surgery, osteopathic medicine and surgery, or chiropractic; 49380
- (2) A physician assistant; 49381
- (3) A certified nurse practitioner; 49382

(4) A clinical nurse specialist;	49383
(5) A certified nurse-midwife;	49384
(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.	49385 49386 49387 49388
Any written documentation of the physical examination shall be completed by the individual who performed the examination.	49389 49390 49391
Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D) (2) of this section.	49392 49393 49394
(C) Any person who drives a school bus or motor van must give satisfactory and sufficient bond except a driver who is an employee of a school district and who drives a bus or motor van owned by the school district.	49395 49396 49397 49398
(D) No person employed as driver of a school bus or motor van under this section who is convicted of a traffic violation or who has had the person's commercial driver's license suspended shall drive a school bus or motor van until the person has filed a written notice of the conviction or suspension, as follows:	49399 49400 49401 49402 49403 49404
(1) If the person is employed under division (A) of this section, the person shall file the notice with the superintendent, or a person designated by the superintendent, of the school district for which the person drives a school bus or motor van as an employee or drives a privately owned and operated school bus or motor van under contract.	49405 49406 49407 49408 49409 49410

(2) If employed under division (B) of this section, the person shall file the notice with the employing school administrator or contractor, or a person designated by the administrator or contractor.

(E) In addition to resulting in possible revocation of a certificate as authorized by divisions (A) and (B) of this section, violation of division (D) of this section is a minor misdemeanor.

(F) (1) Not later than thirty days after June 30, 2007, each owner of a school bus or motor van shall obtain the complete driving record for each person who is currently employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for the first time before the owner has obtained the person's complete driving record. Thereafter, the owner of a school bus or motor van shall obtain the person's driving record not less frequently than semiannually if the person remains employed or otherwise authorized to drive the school bus or motor van. An owner of a school bus or motor van shall not permit a person to resume operating a school bus or motor van, after an interruption of one year or longer, before the owner has obtained the person's complete driving record.

(2) The owner of a school bus or motor van shall not permit a person to operate the school bus or motor van for ten years after the date on which the person pleads guilty to or is convicted of a violation of section 4511.19 of the Revised Code or a substantially equivalent municipal ordinance.

(3) An owner of a school bus or motor van shall not permit any person to operate such a vehicle unless the person meets all

other requirements contained in rules adopted by the ~~state board~~ 49441
~~of education department~~ prescribing qualifications of drivers of 49442
school buses and other student transportation. 49443

(G) No superintendent of a school district, educational 49444
service center, community school, or public or private employer 49445
shall permit the operation of a vehicle used for pupil 49446
transportation within this state by an individual unless both of 49447
the following apply: 49448

(1) Information pertaining to that driver has been 49449
submitted to the ~~department of education~~, pursuant to procedures 49450
adopted by that department. Information to be reported shall 49451
include the name of the employer or school district, name of the 49452
driver, driver license number, date of birth, date of hire, 49453
status of physical evaluation, and status of training. 49454

(2) The most recent criminal records check required by 49455
division (J) of this section has been completed and received by 49456
the superintendent or public or private employer. 49457

(H) A person, school district, educational service center, 49458
community school, nonpublic school, or other public or nonpublic 49459
entity that owns a school bus or motor van, or that contracts 49460
with another entity to operate a school bus or motor van, may 49461
impose more stringent restrictions on drivers than those 49462
prescribed in this section, in any other section of the Revised 49463
Code, and in rules adopted by the ~~state board~~ department. 49464

(I) For qualified drivers who, on July 1, 2007, are 49465
employed by the owner of a school bus or motor van to drive the 49466
school bus or motor van, any instance in which the driver was 49467
convicted of or pleaded guilty to a violation of section 4511.19 49468
of the Revised Code or a substantially equivalent municipal 49469

ordinance prior to two years prior to July 1, 2007, shall not be considered a disqualifying event with respect to division (F) of this section.

(J) (1) This division applies to persons hired by a school district, educational service center, community school, chartered nonpublic school, or science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check in accordance with section 3319.39 of the Revised Code and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department ~~of education~~ and every six years thereafter.

(2) This division applies to persons hired by a public or private employer not described in division (J) (1) of this section to operate a vehicle used for pupil transportation.

For each person to whom this division applies who is hired on or after November 14, 2007, the employer shall request a criminal records check prior to the person's hiring and every six years thereafter. For each person to whom this division applies who is hired prior to that date, the employer shall request a criminal records check by a date prescribed by the department and every six years thereafter.

(3) Each request for a criminal records check under division (J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in

the manner prescribed in section 3319.39 of the Revised Code, 49499
except that if both of the following conditions apply to the 49500
person subject to the records check, the employer shall request 49501
the superintendent only to obtain any criminal records that the 49502
federal bureau of investigation has on the person: 49503

(a) The employer previously requested the superintendent 49504
to determine whether the bureau of criminal identification and 49505
investigation has any information, gathered pursuant to division 49506
(A) of section 109.57 of the Revised Code, on the person in 49507
conjunction with a criminal records check requested under 49508
section 3319.39 of the Revised Code or under division (J) of 49509
this section. 49510

(b) The person presents proof that the person has been a 49511
resident of this state for the five-year period immediately 49512
prior to the date upon which the person becomes subject to a 49513
criminal records check under this section. 49514

Upon receipt of a request, the superintendent shall 49515
conduct the criminal records check in accordance with section 49516
109.572 of the Revised Code as if the request had been made 49517
under section 3319.39 of the Revised Code. However, as specified 49518
in division (B) (2) of section 109.572 of the Revised Code, if 49519
the employer requests the superintendent only to obtain any 49520
criminal records that the federal bureau of investigation has on 49521
the person for whom the request is made, the superintendent 49522
shall not conduct the review prescribed by division (B) (1) of 49523
that section. 49524

(K) (1) Until the effective date of the amendments to rule 49525
3301-83-23 of the Ohio Administrative Code required by the 49526
second paragraph of division (E) of section 3319.39 of the 49527
Revised Code, any person who is the subject of a criminal 49528

records check under division (J) of this section and has been 49529
convicted of or pleaded guilty to any offense described in 49530
division (B) (1) of section 3319.39 of the Revised Code shall not 49531
be hired or shall be released from employment, as applicable, 49532
unless the person meets the rehabilitation standards prescribed 49533
for nonlicensed school personnel by rule 3301-20-03 of the Ohio 49534
Administrative Code. 49535

(2) Beginning on the effective date of the amendments to 49536
rule 3301-83-23 of the Ohio Administrative Code required by the 49537
second paragraph of division (E) of section 3319.39 of the 49538
Revised Code, any person who is the subject of a criminal 49539
records check under division (J) of this section and has been 49540
convicted of or pleaded guilty to any offense that, under the 49541
rule, disqualifies a person for employment to operate a vehicle 49542
used for pupil transportation shall not be hired or shall be 49543
released from employment, as applicable, unless the person meets 49544
the rehabilitation standards prescribed by the rule. 49545

Sec. 3327.101. Notwithstanding anything to the contrary in 49546
this chapter or Chapter 3301-83 of the Administrative Code, the 49547
department of education and workforce shall develop an online 49548
bus driver training program to satisfy the classroom portion of 49549
pre-service and annual in-service training for school bus driver 49550
certification. On-the-bus training for drivers shall continue to 49551
be completed in person. 49552

Sec. 3327.13. The board of education of a school district 49553
that owns and operates busses for transporting pupils to and 49554
from school may contract with a nonpublic school located within 49555
the district to make available to the nonpublic school under a 49556
lease agreement, one or more of the district's busses to be used 49557
by the nonpublic school for transporting nonpublic school pupils 49558

to and from a school related activity that would be an approved 49559
school related activity if it were being offered by a public 49560
school within the district to public school pupils. All ~~state-~~ 49561
~~board~~ department of education and workforce regulations 49562
governing the use of such busses by public schools while 49563
transporting pupils to and from school related activities shall 49564
be applicable to their use by the nonpublic school. 49565

The cost to the nonpublic school of leasing such busses 49566
shall not exceed the costs of operating such busses, as 49567
determined by the board of education of the school district. The 49568
charge to be made to the nonpublic school for the use of the 49569
busses shall be specified in the contract entered into pursuant 49570
to this section. 49571

Sec. 3327.14. The board of education of any school 49572
district that owns and operates buses for transporting pupils 49573
may contract under a lease agreement with a municipal 49574
corporation or a public or nonprofit private agency or 49575
organization delivering services to the aged, to make available 49576
one or more of the district's buses or other vehicles to be used 49577
for transporting persons sixty years of age or older. The board 49578
of education of any school district may also contract under a 49579
similar agreement with any group, organization or other entity 49580
engaged in adult education activities. 49581

The cost to the lessee of leasing such buses or other 49582
vehicles shall not exceed the costs of operating such buses or 49583
other vehicles as determined by the board of education of the 49584
school district. The charge to the lessee for the use of the 49585
buses or other vehicles, which may include the cost of providing 49586
an operator holding a certificate pursuant to section 3327.10 of 49587
the Revised Code, insurance coverage, and other direct and 49588

indirect costs to the school district shall be specified in the 49589
contract entered into pursuant to this section. 49590

All ~~state board~~ department of education and workforce 49591
regulations governing the use of such buses or other vehicles by 49592
public schools while transporting pupils to and from school 49593
related activities apply to the extent applicable to their use 49594
under this section. 49595

Any board of education making available one or more of its 49596
buses or other vehicles under this section shall procure 49597
liability and property damage insurance, as provided in section 49598
3327.09 of the Revised Code, covering each bus or vehicle used 49599
and each passenger transported under the leasing agreement. 49600

Sec. 3327.16. Notwithstanding division (D) of section 49601
3311.19 and division (D) of section 3311.52 of the Revised Code, 49602
this section does not apply to any joint vocational or 49603
cooperative education school district or its superintendent. 49604

(A) The superintendent of each school district may 49605
establish a volunteer bus rider assistance program, under which 49606
qualified adults or responsible older pupils, as determined by 49607
the superintendent, may be authorized to ride on school buses 49608
with pupils during such periods of time that the buses are being 49609
used to transport pupils to and from schools. Volunteers shall 49610
not be compensated for their services, but older pupils may be 49611
excused early from school to participate in the program. 49612

Volunteers may be assigned duties or responsibilities by 49613
the superintendent, including but not limited to, assisting 49614
younger pupils in embarking and disembarking from buses and in 49615
crossing streets where necessary to ensure the safety of the 49616
pupil, aiding the driver of the bus to maintain order on buses, 49617

assisting pupils with disabilities, and such other activities as the superintendent determines will aid in the safe and efficient transportation of pupils.

Volunteers serving under this section are not employees for purposes of Chapter 4117. or 4123. of the Revised Code. Nothing in this section shall authorize a board of education to adversely affect the employment of any employee of the board.

(B) The board of education of each city, local, or exempted village school district shall present a program to all pupils in kindergarten through third grade who are offered school bus transportation and who have not previously attended such program. The program shall consist of instruction in bus rider behavior, school bus safety, and the potential problems and hazards associated with school bus ridership. The department of education and workforce shall prescribe the content and length of such program, which shall be presented within two weeks after the commencement of classes each school year.

Sec. 3328.01. As used in this chapter:

(A) "Board of trustees" means the board of trustees established for a college-preparatory boarding school in accordance with section 3328.15 of the Revised Code.

(B) "Child with a disability," "IEP," and "school district of residence" have the same meanings as in section 3323.01 of the Revised Code.

(C) "Eligible student" means a student who is entitled to attend school in a participating school district; is at risk of academic failure; is from a family whose income is below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code; meets any additional

criteria prescribed by agreement between the ~~state board-~~ 49647
department of education and workforce and the operator of the 49648
college-preparatory boarding school in which the student seeks 49649
enrollment; and meets at least two of the following additional 49650
conditions: 49651

(1) The student has a record of in-school disciplinary 49652
actions, suspensions, expulsions, or truancy. 49653

(2) The student has not attained at least a proficient 49654
score on the state achievement assessments in English language 49655
arts, reading, or mathematics prescribed under section 3301.0710 49656
of the Revised Code, after those assessments have been 49657
administered to the student at least once, or the student has 49658
not attained at least a score designated by the board of 49659
trustees of the college-preparatory boarding school in which the 49660
student seeks enrollment under this chapter on an end-of-course 49661
examination in English language arts or mathematics prescribed 49662
under section 3301.0712 of the Revised Code. 49663

(3) The student is a child with a disability. 49664

(4) The student has been referred for academic 49665
intervention services. 49666

(5) The student's head of household is a single parent. As 49667
used in this division and in division (C) (6) of this section, 49668
"head of household" means a person who occupies the same 49669
household as the student and who is financially responsible for 49670
the student. 49671

(6) The student's head of household is not the student's 49672
custodial parent. 49673

(7) A member of the student's family has been imprisoned, 49674
as defined in section 1.05 of the Revised Code. 49675

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

(E) "Formula ADM," "category one through six special education ADM," and "state education aid" have the same meanings as in section 3317.02 of the Revised Code.

(F) "Operator" means the operator of a college-preparatory boarding school selected under section 3328.11 of the Revised Code.

(G) "Participating school district" means either of the following:

(1) The school district in which a college-preparatory boarding school established under this chapter is located;

(2) A school district other than one described in division (G) (1) of this section that, pursuant to procedures adopted by the ~~state board of education~~ department under section 3328.04 of the Revised Code, agrees to be a participating school district so that eligible students entitled to attend school in that district may enroll in a college-preparatory boarding school established under this chapter.

Sec. 3328.02. (A) Each college-preparatory boarding school established under this chapter is a public school and is part of the state's program of education.

(B) Acting through its board of trustees, the school may sue and be sued, acquire facilities as needed, contract for any services necessary for the operation of the school, and enter into contracts with the department of education and workforce pursuant to this chapter. The board of trustees may carry out any act and ensure the performance of any function that is in

compliance with the Ohio Constitution, this chapter, other 49705
statutes applicable to college-preparatory boarding schools, and 49706
the contract entered into under this chapter establishing the 49707
school. 49708

(C) Each college-preparatory boarding school shall be 49709
established as a public benefit corporation under Chapter 1702. 49710
of the Revised Code. 49711

Sec. 3328.04. The city, exempted village, or local school 49712
district in which a college-preparatory boarding school 49713
established under this chapter is located is a participating 49714
school district under this chapter. Any other city, exempted 49715
village, or local school district may agree to be a 49716
participating school district. The ~~state board~~ department of 49717
education and workforce shall adopt procedures for districts to 49718
agree to be participating school districts. 49719

Sec. 3328.11. (A) In accordance with the procedures 49720
prescribed in division (B) of this section, the ~~state board~~ 49721
department of education and workforce shall select a private 49722
nonprofit corporation that meets the following qualifications to 49723
operate each college-preparatory boarding school established 49724
under this chapter: 49725

(1) The corporation has experience operating a school or 49726
program similar to the schools authorized under this chapter. 49727

(2) The school or program described in division (A) (1) of 49728
this section has demonstrated to the satisfaction of the ~~state~~ 49729
~~board~~ department success in improving the academic performance 49730
of students. 49731

(3) The corporation has demonstrated to the satisfaction 49732
of the ~~state board~~ department that the corporation has the 49733

capacity to secure private funds for the development of the 49734
school authorized under this chapter. 49735

(B) (1) Not later than sixty days after ~~the effective date~~ 49736
~~of this section~~ September 29, 2011, the ~~state board~~ department 49737
shall issue a request for proposals from private nonprofit 49738
corporations qualified to operate a college-preparatory boarding 49739
school established under this chapter. If the ~~state board~~ 49740
department subsequently determines that the establishment of one 49741
or more additional college-preparatory boarding schools is 49742
advisable, the ~~state board~~ department shall issue requests for 49743
proposals from private nonprofit corporations qualified to 49744
operate those additional schools. 49745

In all cases, the ~~state board~~ department shall select the 49746
school's operator from among the qualified responders within one 49747
hundred eighty days after the issuance of the request for 49748
proposals. If no qualified responder submits a proposal, the 49749
~~state board~~ department may issue another request for proposals. 49750

(2) Each proposal submitted to the ~~state board~~ department 49751
shall contain the following information: 49752

(a) The proposed location of the college-preparatory 49753
boarding school, which may differ from any location recommended 49754
by the ~~state board~~ department in the request for proposals; 49755

(b) A plan for offering grade six in the school's initial 49756
year of operation and a plan for increasing the grade levels 49757
offered by the school in subsequent years; 49758

(c) Any other information about the proposed educational 49759
program, facilities, or operations of the school considered 49760
necessary by the ~~state board~~ department. 49761

(C) No college-preparatory boarding school established 49762

under this chapter shall open for operation prior to the 2013- 49763
2014 school year. 49764

Sec. 3328.12. The ~~state board~~ department of education and 49765
workforce shall enter into a contract with the operator of each 49766
college-preparatory boarding school established under this 49767
chapter. The contract shall stipulate the following: 49768

(A) The school's board of trustees shall oversee the 49769
acquisition of a facility for the school. 49770

(B) The operator shall operate the school in accordance 49771
with the terms of the proposal accepted by the ~~state board~~ 49772
department under section 3328.11 of the Revised Code, including 49773
the plan for increasing the grade levels offered by the school. 49774

(C) The school shall comply with the provisions of this 49775
chapter. 49776

(D) The school shall comply with any other provisions of 49777
law specified in the contract and the rules adopted by the ~~state~~ 49778
~~board~~ department under section 3328.50 of the Revised Code. 49779

(E) The school shall comply with the bylaws adopted by the 49780
board of trustees under section 3328.13 of the Revised Code. 49781

(F) The school shall meet the academic goals and other 49782
performance standards specified in the contract. 49783

(G) The school shall have a fiscal officer who meets 49784
standards established for the purposes of this division by the- 49785
~~state board~~ department. 49786

(H) In accordance with procedures specified in the 49787
contract, the ~~department of education~~ shall monitor the 49788
operation, programs, and facilities of the school, including 49789
conducting on-site visits of the school. 49790

(I) The department may take actions, as specified in the contract, to resolve issues of noncompliance by the school of the provisions of this chapter, the contract, the bylaws adopted by the board of trustees, or rules adopted by the ~~state board~~ department. Such specified actions shall include procedures for notice of noncompliance and an appeal ~~to the state board of the decisions of the department~~ process.

(J) The ~~state board~~ department or the operator may terminate the contract in accordance with the procedures specified in the contract, which shall include at least a requirement that the party seeking termination give prior notice of the intent to terminate the contract and a requirement that the party receiving such notice be granted an opportunity to redress any grievances cited in the notice prior to the termination.

(K) If the school closes for any reason, the school's board of trustees shall execute the closing in the manner specified in the contract.

Sec. 3328.13. The board of trustees of each college-preparatory boarding school established under this chapter shall adopt bylaws for the oversight and operation of the school that are consistent with the provisions of this chapter, the rules adopted under section 3328.50 of the Revised Code, and the contract between the operator and the ~~state board~~ department of education and workforce. The bylaws shall include procedures for the appointment of future members of the school's board of trustees upon expiration of the terms of the initial members, which procedures shall comply with section 3328.15 of the Revised Code. The bylaws also shall include standards for the admission of students to the school and their dismissal from the

school. The bylaws shall be subject to the approval of the ~~state-~~ 49821
~~board~~ department. 49822

Sec. 3328.15. (A) Each college-preparatory boarding school 49823
established under this chapter shall be governed by a board of 49824
trustees consisting of up to twenty-five members. Five of those 49825
members shall be appointed by the governor, with the advice and 49826
consent of the senate. The governor's appointments may be based 49827
on nonbinding recommendations made by the ~~superintendent of-~~ 49828
~~public instruction~~ director of education and workforce. Of the 49829
remaining members, initial members shall be appointed by the 49830
school's operator and future members shall be appointed pursuant 49831
to the bylaws adopted under section 3328.13 of the Revised Code. 49832
The governor, operator, or any other person or entity who 49833
appoints a member of the board of trustees under this section or 49834
the bylaws adopted under section 3328.13 of the Revised Code may 49835
remove that member from the board at any time. 49836

(B) The terms of office of the initial members shall be as 49837
follows: 49838

(1) Two members appointed by the governor shall serve for 49839
an initial term of three years. 49840

(2) Two members appointed by the governor shall serve for 49841
an initial term of two years. 49842

(3) One member appointed by the governor shall serve for 49843
an initial term of one year. 49844

(4) One-third of the members appointed by the operator, 49845
rounded down to the nearest whole number, shall serve for an 49846
initial term of three years. 49847

(5) One-third of the members appointed by the operator, 49848
rounded down to the nearest whole number, shall serve for an 49849

initial term of two years. 49850

(6) One-third of the members appointed by the operator, 49851
rounded down to the nearest whole number, shall serve for an 49852
initial term of one year. 49853

(7) Any remaining members appointed by the operator shall 49854
serve for an initial term of one year. 49855

Thereafter the terms of office of all members shall be for 49856
three years. 49857

The beginning date and ending date of terms of office 49858
shall be as prescribed by the school's operator, unless modified 49859
in the bylaws adopted under section 3328.13 of the Revised Code. 49860

(C) Vacancies on the board shall be filled in the same 49861
manner as the initial appointments. A member appointed to an 49862
unexpired term shall serve for the remainder of that term and 49863
may be reappointed subject to division (D) of this section. 49864

(D) No member may serve for more than three consecutive 49865
three-year terms. 49866

(E) The officers of the board shall be selected by and 49867
from among the members of the board. 49868

(F) Compensation for the members of the board, if any, 49869
shall be as prescribed in the bylaws adopted under section 49870
3328.13 of the Revised Code. 49871

(G) It shall be construed that any contract entered into 49872
by the board of trustees or any officer or trustee of a college- 49873
preparatory boarding school, including, but not limited to, an 49874
agreement or contract required by section 3318.08, 3318.60, or 49875
3318.61 of the Revised Code, is entered into by such individuals 49876
in their official capacities as representatives of the college- 49877

preparatory boarding school. No officer, trustee, or member of 49878
the board of trustees of a college-preparatory boarding school 49879
incurs any personal liability by virtue of section 3318.08, 49880
3318.60, or 3318.61 of the Revised Code or the entering into any 49881
contract on behalf of the school. 49882

Sec. 3328.18. (A) As used in this section, "license" has 49883
the same meaning as in section 3319.31 of the Revised Code. 49884

(B) If a person who is employed by a college-preparatory 49885
boarding school established under this chapter or its operator 49886
is arrested, summoned, or indicted for an alleged violation of 49887
an offense listed in division (C) of section 3319.31 of the 49888
Revised Code, if the person holds a license, or an offense 49889
listed in division (B)(1) of section 3319.39 of the Revised 49890
Code, if the person does not hold a license, the chief 49891
administrator of the school in which that person works shall 49892
suspend that person from all duties that require the care, 49893
custody, or control of a child during the pendency of the 49894
criminal action against the person. If the person who is 49895
arrested, summoned, or indicted for an alleged violation of an 49896
offense listed in division (C) of section 3319.31 or division 49897
(B)(1) of section 3319.39 of the Revised Code is the chief 49898
administrator of the school, the board of trustees of the school 49899
shall suspend the chief administrator from all duties that 49900
require the care, custody, or control of a child. 49901

(C) When a person who holds a license is suspended in 49902
accordance with this section, the chief administrator or board 49903
that imposed the suspension promptly shall report the person's 49904
suspension to the department of education and workforce and to 49905
the state board of education. The report shall include the 49906
offense for which the person was arrested, summoned, or 49907

indicted. 49908

Sec. 3328.23. (A) A college-preparatory boarding school 49909
established under this chapter shall comply with Chapter 3323. 49910
of the Revised Code as if the school were a school district. For 49911
each child with a disability enrolled in the school for whom an 49912
IEP has been developed, the school shall verify in the manner 49913
prescribed by the department of education and workforce that the 49914
school is providing the services required under the child's IEP. 49915

(B) The school district in which a child with a disability 49916
enrolled in the college-preparatory boarding school is entitled 49917
to attend school and the child's school district of residence, 49918
if different, are not obligated to provide the student with a 49919
free appropriate public education under Chapter 3323. of the 49920
Revised Code for as long as the child is enrolled in the 49921
college-preparatory boarding school. 49922

Sec. 3328.26. (A) The department of education and 49923
workforce shall issue an annual report card for each college- 49924
preparatory boarding school established under this chapter that 49925
includes all information applicable to school buildings under 49926
section 3302.03 of the Revised Code. 49927

(B) For each student enrolled in the school, the 49928
department shall combine data regarding the academic performance 49929
of that student with comparable data from the school district in 49930
which the student is entitled to attend school for the purpose 49931
of calculating the performance of the district as a whole on the 49932
report card issued for the district under section 3302.03 of the 49933
Revised Code. 49934

(C) Each college-preparatory boarding school and its 49935
operator shall comply with sections 3302.04 and 3302.041 of the 49936

Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the school.

Sec. 3328.29. (A) With the approval of its board of trustees, a college-preparatory boarding school established under this chapter may procure epinephrine autoinjectors in the manner prescribed by section 3313.7110 of the Revised Code. A college-preparatory boarding school that elects to do so shall comply with all provisions of that section as if it were a school district.

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

(a) A college-preparatory boarding school;

(b) A member of a college-preparatory boarding school board of trustees;

(c) A college-preparatory boarding school employee or contractor;

(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.

(2) This division does not eliminate, limit, or reduce any other immunity or defense that a college-preparatory boarding school or board of trustees, member of a college-preparatory boarding school board of trustees, college-preparatory boarding

school employee or contractor, or licensed health professional 49966
may be entitled to under Chapter 2744. or any other provision of 49967
the Revised Code or under the common law of this state. 49968

(C) A college-preparatory boarding school may accept 49969
donations of epinephrine autoinjectors from a wholesale 49970
distributor of dangerous drugs or a manufacturer of dangerous 49971
drugs, as defined in section 4729.01 of the Revised Code, and 49972
may accept donations of money from any person to purchase 49973
epinephrine autoinjectors. 49974

(D) A college-preparatory boarding school that elects to 49975
procure epinephrine autoinjectors under this section shall 49976
report to the department of education and workforce each 49977
procurement and occurrence in which an epinephrine autoinjector 49978
is used from a school's supply of epinephrine autoinjectors. 49979

Sec. 3328.30. (A) As used in this section, "inhaler" has 49980
the same meaning as in section 3313.7113 of the Revised Code. 49981

(B) With the approval of its board of trustees, a college- 49982
preparatory boarding school may procure inhalers in the manner 49983
prescribed by section 3313.7113 of the Revised Code. A college- 49984
preparatory boarding school that elects to do so shall comply 49985
with all provisions of that section as if it were a school 49986
district. 49987

(C) A college-preparatory boarding school, a member of a 49988
college-preparatory boarding school board of trustees, or a 49989
college-preparatory boarding school employee or contractor is 49990
not liable in damages in a civil action for injury, death, or 49991
loss to person or property that allegedly arises from an act or 49992
omission associated with procuring, maintaining, accessing, or 49993
using an inhaler under this section, unless the act or omission 49994

constitutes willful or wanton misconduct. 49995

This division does not eliminate, limit, or reduce any 49996
other immunity or defense that a college-preparatory boarding 49997
school or board of trustees, member of a college-preparatory 49998
boarding school board of trustees, or college-preparatory 49999
boarding school employee or contractor may be entitled to under 50000
Chapter 2744. or any other provision of the Revised Code or 50001
under the common law of this state. 50002

(D) A college-preparatory boarding school may accept 50003
donations of inhalers from a wholesale distributor of dangerous 50004
drugs or a manufacturer of dangerous drugs, as defined in 50005
section 4729.01 of the Revised Code, and may accept donations of 50006
money from any person to purchase inhalers. 50007

(E) A college-preparatory boarding school that elects to 50008
procure inhalers under this section shall report to the 50009
department of education and workforce each procurement and 50010
occurrence in which an inhaler is used from a school's supply of 50011
inhalers. 50012

Sec. 3328.31. Each college-preparatory boarding school 50013
established under this chapter shall report to the department of 50014
education and workforce, in the form and manner prescribed by 50015
the department, the following information: 50016

(A) The total number of students enrolled in the school; 50017

(B) The number of students enrolled in the school who are 50018
receiving special education and related services pursuant to an 50019
IEP; 50020

(C) The city, exempted village, or local school district 50021
in which each student reported under division (A) of this 50022
section is entitled to attend school; 50023

(D) Any additional information the department determines 50024
necessary to make payments to the school under this chapter. 50025

Sec. 3328.34. (A) For each child enrolled in a college- 50026
preparatory boarding school, as reported under section 3328.31 50027
of the Revised Code, the department of education and workforce 50028
shall pay to the school the sum of the amount eighty-five per 50029
cent of the operating expenditure per pupil of the city, local, 50030
or exempted village school district in which the child is 50031
entitled to attend school plus the per-pupil boarding amount 50032
specified in division (B) of this section. 50033

As used in this division, a district's "operating 50034
expenditure per pupil" is the total amount of state payments and 50035
other nonfederal revenue spent by the district for operating 50036
expenses during the previous fiscal year, divided by the 50037
district's enrolled ADM, as that term is defined in section 50038
3317.02 of the Revised Code, for the previous fiscal year. 50039

(B) For the first fiscal year in which a college- 50040
preparatory boarding school may be established under this 50041
chapter, the "per-pupil boarding amount" is twenty-five thousand 50042
dollars. For each fiscal year thereafter, that amount shall be 50043
adjusted by the rate of inflation, as measured by the consumer 50044
price index (all urban consumers, all items) prepared by the 50045
bureau of labor statistics of the United States department of 50046
labor, for the previous twelve-month period. 50047

(C) The ~~state board of education~~department may accept 50048
funds from federal and state noneducation support services 50049
programs for the purpose of funding the per pupil boarding 50050
amount prescribed in division (B) of this section. 50051
Notwithstanding any other provision of the Revised Code, the 50052
~~state board~~department shall coordinate and streamline any 50053

noneducation program requirements in order to eliminate 50054
redundant or conflicting requirements, licensing provisions, and 50055
oversight by government programs or agencies. The applicable 50056
regulatory entities shall, to the maximum extent possible, use 50057
reports and financial audits provided by the auditor of state 50058
and coordinated by the ~~department of education~~ to eliminate or 50059
reduce contract and administrative reviews. Regulatory entities 50060
other than the ~~state board department~~ may suggest reasonable 50061
additional items to be included in such reports and financial 50062
audits to meet any requirements of federal law. Reporting 50063
paperwork prepared for the ~~state board department~~ shall be 50064
shared with and accepted by other state and local entities to 50065
the maximum extent feasible. 50066

(D) (1) Notwithstanding division (A) of this section, if, 50067
in any fiscal year, a college-preparatory boarding school 50068
receives federal funds for the purpose of supporting the 50069
school's operations, the amount of those federal funds shall be 50070
deducted from the total per-pupil boarding amount for all 50071
enrolled students paid by the department to the school for that 50072
fiscal year, unless the school's board of trustees and the 50073
department determine otherwise in a written agreement. Any 50074
portion of the total per-pupil boarding amount for all enrolled 50075
students remaining after the deduction of the federal funds 50076
shall be paid by the department to the school from state funds 50077
appropriated to the department. 50078

(2) Notwithstanding division (A) of this section, if, in 50079
any fiscal year, the department receives federal funds for the 50080
purpose of supporting the operations of a college-preparatory 50081
boarding school, the department shall use those federal funds, 50082
not including any portion of those funds designated for 50083
administration, to pay the school the total per-pupil boarding 50084

amount for all enrolled students for that fiscal year. Any 50085
portion of the total per-pupil boarding amount for all enrolled 50086
students remaining after the use of the federal funds shall be 50087
paid by the department to the school from state funds 50088
appropriated to the department. 50089

(3) If any federal funds are used for the purpose 50090
prescribed in division (D) (1) or (2) of this section, the 50091
department shall comply with all requirements upon which the 50092
acceptance of the federal funds is conditioned, including any 50093
requirements set forth in the funding application submitted by 50094
the school or the department and, to the extent sufficient funds 50095
are appropriated by the general assembly, any requirements 50096
regarding maintenance of effort in expenditures. 50097

Sec. 3328.35. To the extent permitted by federal law, the 50098
department of education and workforce shall include college- 50099
preparatory boarding schools established under this chapter in 50100
its annual allocation of federal moneys under Title I of the 50101
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 50102
6301, et seq. The department may apply for any other federal 50103
moneys that may be used to support the operations of college- 50104
preparatory boarding schools established under this chapter. 50105

Sec. 3328.37. (A) If the auditor of state or a public 50106
accountant, under section 117.41 of the Revised Code, declares a 50107
college-preparatory boarding school established under this 50108
chapter to be unauditible, the auditor of state shall provide 50109
written notification of that declaration to the school and the 50110
department of education and workforce. The auditor of state also 50111
shall post the notification on the auditor of state's web site. 50112

(B) If the college-preparatory boarding school's current 50113
fiscal officer held that position during the period for which 50114

the school is unauditabile, upon receipt of the notification 50115
under division (A) of this section, the board of trustees of the 50116
school shall suspend the fiscal officer until the auditor of 50117
state or a public accountant has completed an audit of the 50118
school, except that if the fiscal officer is employed by the 50119
school's operator, the operator shall suspend the fiscal officer 50120
for that period. Suspension of the fiscal officer may be with or 50121
without pay, as determined by the entity imposing the suspension 50122
based on the circumstances that prompted the auditor of state's 50123
declaration. The entity imposing the suspension shall appoint a 50124
person to assume the duties of the fiscal officer during the 50125
period of the suspension. If the appointee is not licensed as a 50126
treasurer under section 3301.074 of the Revised Code, the 50127
appointee shall be approved by the ~~superintendent of public~~ 50128
~~instruction~~ director of education and workforce before assuming 50129
the duties of the fiscal officer. The state board of education 50130
may take action under section 3319.31 of the Revised Code to 50131
suspend, revoke, or limit the license of a fiscal officer who 50132
has been suspended under this division. 50133

(C) Not later than forty-five days after receiving the 50134
notification under division (A) of this section, the board of 50135
trustees of the college-preparatory boarding school shall 50136
provide a written response to the auditor of state. The response 50137
shall include the following: 50138

(1) An overview of the process the board will use to 50139
review and understand the circumstances that led to the school 50140
becoming unauditabile; 50141

(2) A plan for providing the auditor of state with the 50142
documentation necessary to complete an audit of the school and 50143
for ensuring that all financial documents are available in the 50144

future; 50145

(3) The actions the board will take to ensure that the 50146
plan described in division (C) (2) of this section is 50147
implemented. 50148

(D) If the college-preparatory boarding school fails to 50149
make reasonable efforts and continuing progress to bring its 50150
accounts, records, files, or reports into an auditable condition 50151
within ninety days after being declared unauditable, the auditor 50152
of state, in addition to requesting legal action under sections 50153
117.41 and 117.42 of the Revised Code, shall notify the school 50154
and the department of the school's failure. If the auditor of 50155
state or a public accountant subsequently is able to complete a 50156
financial audit of the school, the auditor of state shall notify 50157
the school and the department that the audit has been completed. 50158

(E) Notwithstanding any provision to the contrary in this 50159
chapter or in any other provision of law, upon notification by 50160
the auditor of state under division (D) of this section that the 50161
college-preparatory boarding school has failed to make 50162
reasonable efforts and continuing progress to bring its 50163
accounts, records, files, or reports into an auditable 50164
condition, the department shall immediately cease all payments 50165
to the school under this chapter and any other provision of law. 50166
Upon subsequent notification from the auditor of state under 50167
that division that the auditor of state or a public accountant 50168
was able to complete a financial audit of the school, the 50169
department shall release all funds withheld from the school 50170
under this section. 50171

Sec. 3328.38. (A) With the approval of its board of 50172
trustees, a college-preparatory boarding school established 50173
under this chapter may procure injectable or nasally 50174

administered glucagon in the manner prescribed by section 50175
3313.7115 of the Revised Code. A college-preparatory boarding 50176
school that elects to do so shall comply with all provisions of 50177
that section as if it were a school district. 50178

(B) (1) The following are not liable in damages in a civil 50179
action for injury, death, or loss to person or property that 50180
allegedly arises from an act or omission associated with 50181
procuring, maintaining, accessing, or using injectable or 50182
nasally administered glucagon under this section, unless the act 50183
or omission constitutes willful or wanton misconduct: 50184

(a) A college-preparatory boarding school; 50185

(b) A member of a college-preparatory boarding school 50186
board of trustees; 50187

(c) A college-preparatory boarding school employee or 50188
contractor; 50189

(d) A licensed health professional authorized to prescribe 50190
drugs who personally furnishes or prescribes injectable or 50191
nasally administered glucagon, provides a consultation, or 50192
issues a protocol pursuant to this section. 50193

(2) This division does not eliminate, limit, or reduce any 50194
other immunity or defense that a college-preparatory boarding 50195
school or board of trustees, member of a college-preparatory 50196
boarding school board of trustees, college-preparatory boarding 50197
school employee or contractor, or licensed health professional 50198
may be entitled to under Chapter 2744. or any other provision of 50199
the Revised Code or under the common law of this state. 50200

(C) A college-preparatory boarding school may accept 50201
donations of injectable or nasally administered glucagon from a 50202
wholesale distributor of dangerous drugs or a manufacturer of 50203

dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.

(D) A college-preparatory boarding school that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education and workforce each procurement and each occurrence in which a dose of the drug is used from the school's supply.

Sec. 3328.45. (A) If the ~~state board~~ department of education and workforce determines that a college-preparatory boarding school established under this chapter is not in compliance with any provision of this chapter or the terms of the contract entered into under section 3328.12 of the Revised Code, or that the school has failed to meet the academic goals or performance standards specified in that contract, the ~~state board~~ department may initiate the termination procedures specified in the contract. No termination shall take effect prior to the end of a school year. Upon the effective date of a termination, the school shall close.

(B) If a college-preparatory boarding school is required to close under division (A) of this section or closes for any other reason, the school's board of trustees shall execute the closing as provided in the contract under section 3328.12 of the Revised Code.

Sec. 3328.50. The ~~state board~~ department of education and workforce shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures necessary for the implementation of this chapter.

Sec. 3329.01. Any publisher of textbooks or electronic

textbooks in the United States desiring to offer such textbooks 50233
or electronic textbooks for use by pupils in the public schools 50234
of Ohio, before such textbooks or electronic textbooks may be 50235
adopted and purchased by any school board, must, on or before 50236
the first day of January of each year, file ~~in the office of the~~ 50237
~~superintendent of public instruction~~with the department of 50238
education and workforce, a statement that the list wholesale 50239
price to school districts in Ohio will be no more than the 50240
lowest list wholesale price available to school districts in any 50241
other state. 50242

No publisher of a textbook shall file a statement under 50243
this section unless the publisher complies with all of the 50244
following: 50245

(A) At the same time as filing the statement, the 50246
publisher also files: 50247

(1) For textbooks published before August 18, 2006, the 50248
wholesale price of an electronic file that contains the text of 50249
the textbook in rich text format, or another electronic format 50250
approved by the ~~superintendent of public instruction~~department, 50251
for translating the text of the textbook into braille; 50252

(2) For textbooks published on or after August 18, 2006, 50253
the wholesale price of an electronic file that contains the text 50254
of the textbook, and of all instructional materials the 50255
publisher offers with the textbook, in the national 50256
instructional materials accessibility standard (NIMAS) code for 50257
translating the text of the entire textbook into NIMAS-approved 50258
formats, including braille, audio, digital text, or large print. 50259

(B) The list wholesale price filed for any specified 50260
number of electronic files described in divisions (A) (1) and (2) 50261

of this section for the textbook and instructional materials the publisher offers with the textbook does not exceed the list wholesale price for the same number of the printed version of the textbook and materials.

(C) For textbooks published on or after August 18, 2006, the publisher sends one copy of the electronic file described in division (A)(2) of this section for the entire textbook and all instructional materials the publisher offers with the textbook in NIMAS code, at no cost, to the national instructional materials access center.

As used in this section and in sections 3329.03 to 3329.10 of the Revised Code, "electronic textbook" means computer software, interactive videodisc, magnetic media, optical media, computer courseware, on-line service, electronic medium, or other means of conveying information to the student or otherwise contributing to the learning process through electronic means.

Sec. 3329.03. If a publisher who files a statement under section 3329.01 of the Revised Code, fails or refuses to furnish such textbooks or electronic textbooks adopted as provided in sections 3329.01 to 3329.10 of the Revised Code to any board of education upon the terms provided in such sections, such board at once must notify the ~~state board~~ department of education and workforce of such failure or refusal, and the ~~state board of education~~ department at once shall cause an investigation of such charge to be made. If it is found to be true, the ~~state board of education~~ department at once shall notify such publisher and each board in the state that such textbooks or electronic textbooks shall not thereafter be adopted and purchased by boards of education. Such publisher shall pay to the state five hundred dollars for each failure, to be recovered

in the name of the state, in an action to be brought by the attorney general, in the court of common pleas of Franklin county, or in any other proper court or in any other place where service can be made. The amount, when collected, must be paid into the state treasury to the credit of the state general revenue fund.

Sec. 3329.10. A superintendent, supervisor, principal, or teacher employed by any board of education shall not act as sales agent, either directly or indirectly, for any person, firm, or corporation that files school textbooks or electronic textbooks with the ~~superintendent of public instruction~~ department of education and workforce, or that sells school apparatus or equipment of any kind for use in the public schools. A violation of this section shall work a forfeiture of their licenses to teach in the public schools.

Sec. 3331.01. (A) As used in this chapter:

(1) "Superintendent" or "superintendent of schools" of a school district means the person employed as the superintendent or that person's designee.

(2) "Chief administrative officer" means the chief administrative officer of a nonpublic or community school or that person's designee.

(B) (1) Except as provided in division (B) (2) of this section, an age and schooling certificate may be issued only by the superintendent of the city, local, joint vocational, or exempted village school district in which the child in whose name such certificate is issued resides or by the chief administrative officer of the nonpublic or community school the child attends, and only upon satisfactory proof that the child

to whom the certificate is issued is at least fourteen years of age. 50321
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(2) A child who resides in this state shall apply for an age and schooling certificate to the superintendent of the school district in which the child resides, or to the chief administrative officer of the school that the child attends. Residents of other states who work in Ohio shall apply to the superintendent of the school district in which the place of employment is located, as a condition of employment or service. 50323
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(C) Any such age and schooling certificate may be issued only upon satisfactory proof that the employment contemplated by the child is not prohibited by any law regulating the employment of such children. Section 4113.08 of the Revised Code does not apply to such employer in respect to such child while engaged in an employment legal for a child of the age stated therein. 50330
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(D) Age and schooling certificate forms shall be approved by the ~~state board~~ department of education and workforce, including forms submitted electronically. Forms shall not display the social security number of the child. Except as otherwise provided in this section, every application for an age and schooling certificate must be signed in the presence of the officer issuing it by the child in whose name it is issued. 50336
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(E) A child shall furnish the superintendent or chief administrative officer all information required by this chapter in support of the issuance of a certificate. 50343
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(F) On and after September 1, 2002, each superintendent and chief administrative officer who issues an age and schooling certificate shall file electronically the certificate with the director of commerce in accordance with rules adopted by the 50346
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director of administrative services pursuant to section 1306.21 50350
of the Revised Code. On and after September 1, 2002, only 50351
electronically filed certificates are valid to satisfy the 50352
requirements of Chapter 4109. of the Revised Code. 50353

Sec. 3331.02. (A) The superintendent of schools or the 50354
chief administrative officer, as appropriate pursuant to section 50355
3331.01 of the Revised Code, shall not issue an age and 50356
schooling certificate until the superintendent or chief 50357
administrative officer has received, examined, approved, and 50358
filed the following papers duly executed: 50359

(1) The written pledge or promise of the person, 50360
partnership, or corporation to legally employ the child, and for 50361
this purpose work performed by a minor, directly and exclusively 50362
for the benefit of such minor's parent, in the farm home or on 50363
the farm of such parent is legal employment, irrespective of any 50364
contract of employment, or the absence thereof, to permit the 50365
child to attend school as provided in section 3321.08 of the 50366
Revised Code, and give notice of the nonuse of an age and 50367
schooling certificate within five days from the date of the 50368
child's withdrawal or dismissal from the service of that person, 50369
partnership, or corporation, giving the reasons for such 50370
withdrawal or dismissal; 50371

(2) The child's school record or notification. As used in 50372
this division, a "school record" means documents properly filled 50373
out and signed by the person in charge of the school which the 50374
child last attended, giving the recorded age of the child, the 50375
child's address, standing in studies, rating in conduct, and 50376
attendance in days during the school year of the child's last 50377
attendance; "notification" means the information submitted to 50378
the superintendent by the parent of a child excused from 50379

attendance at school pursuant to ~~division (A) (2) of section~~ 50380
~~3321.04~~ 3321.042 of the Revised Code, as the notification is 50381
required by rules adopted by the department of education and 50382
workforce. 50383

(3) Evidence of the age of the child as follows: 50384

(a) A certified copy of an original birth record or a 50385
certification of birth, issued in accordance with Chapter 3705. 50386
of the Revised Code, or by an officer charged with the duty of 50387
recording births in another state or country, shall be 50388
conclusive evidence of the age of the child; 50389

(b) In the absence of such birth record or certification 50390
of birth, a passport, or duly attested transcript thereof, 50391
showing the date and place of birth of the child, filed with a 50392
register of passports at a port of entry of the United States; 50393
or an attested transcript of the certificate of birth or baptism 50394
or other religious record, showing the date and place of birth 50395
of the child, shall be conclusive evidence of the age of the 50396
child; 50397

(c) In case none of the above proofs of age can be 50398
produced, other documentary evidence, except the affidavit of 50399
the parent, guardian, or custodian, satisfactory to the 50400
superintendent or chief administrative officer may be accepted 50401
in lieu thereof; 50402

(d) In case no documentary proof of age can be procured, 50403
the superintendent or chief administrative officer may receive 50404
and file an application signed by the parent, guardian, or 50405
custodian of the child that a medical certificate be secured to 50406
establish the sufficiency of the age of the child, which 50407
application shall state the alleged age of the child, the place 50408

and date of birth, the child's present residence, and such 50409
further facts as may be of assistance in determining the age of 50410
the child, and shall certify that the person signing the 50411
application is unable to obtain any of the documentary proofs 50412
specified in divisions (A)(3)(a), (b), and (c) of this section; 50413
and if the superintendent or chief administrative officer is 50414
satisfied that a reasonable effort to procure such documentary 50415
proof has been without success such application shall be granted 50416
and the certificate of the school physician or if there be none, 50417
of a physician, a physician assistant, a clinical nurse 50418
specialist, or a certified nurse practitioner employed by the 50419
board of education, that said physician, physician assistant, 50420
clinical nurse specialist, or certified nurse practitioner is 50421
satisfied that the child is above the age required for an age 50422
and schooling certificate as stated in section 3331.01 of the 50423
Revised Code, shall be accepted as sufficient evidence of age. 50424

(4) A certificate, including an athletic certificate of 50425
examination, from a physician licensed pursuant to Chapter 4731. 50426
of the Revised Code, a physician assistant, a clinical nurse 50427
specialist, or a certified nurse practitioner, or from the 50428
district health commissioner, showing after a thorough 50429
examination that the child is physically fit to be employed in 50430
such occupations as are not prohibited by law for a boy or girl, 50431
as the case may be, under eighteen years of age; but a 50432
certificate with "limited" written, printed, marked, or stamped 50433
thereon may be furnished by such physician, physician assistant, 50434
clinical nurse specialist, or certified nurse practitioner and 50435
accepted by the superintendent or chief administrative officer 50436
in issuing a "limited" age and schooling certificate provided in 50437
section 3331.06 of the Revised Code, showing that the child is 50438
physically fit to be employed in some particular occupation not 50439

prohibited by law for a boy or girl of such child's age, as the case may be, even if the child's complete physical ability to engage in such occupation cannot be vouched for.

(B) (1) Except as provided in division (B) (2) of this section, a physical fitness certificate described in division (A) (4) of this section is valid for purposes of that division while the child remains employed in job duties of a similar nature as the job duties for which the child last was issued an age and schooling certificate. The superintendent or chief administrative officer who issues an age and schooling certificate shall determine whether job duties are similar for purposes of this division.

(2) A "limited" physical fitness certificate described in division (A) (4) of this section is valid for one year.

(C) The superintendent of schools or the chief administrative officer shall require a child who resides out of this state to file all the information required under division (A) of this section. The superintendent of schools or the chief administrative officer shall evaluate the information filed and determine whether to issue the age and schooling certificate using the same standards as those the superintendent or officer uses for in-state children.

Sec. 3331.04. (A) Until July 1, 2016, an age and schooling certificate may be issued by the superintendent of schools to a child over sixteen years of age upon proof acceptable to such superintendent of the following facts and upon agreement to the respective conditions made in writing by the child and by the parents, guardian, or custodian in charge of such child:

(1) That the child is addicted to no habit which is likely

to detract from the child's reliability or effectiveness as a 50469
worker, or proper use of the child's earnings or leisure, or the 50470
probability of the child's faithfully carrying out the 50471
conditions to which the child agrees as specified in division 50472
(A) (2) of this section, and in addition any one of the following 50473
groups of facts: 50474

(a) That the child has been a resident of the school 50475
district for the last two years, has diligently attended upon 50476
instruction at school for the last two years, and is able to 50477
read, write, and perform the fundamental operations of 50478
arithmetic. These abilities shall be judged by the 50479
superintendent. 50480

(b) That the child having been a resident of the school 50481
district less than two years, diligently attended upon 50482
instruction in school in the district in which the child was a 50483
resident next preceding the child's residence in the present 50484
district for the last school year preceding the child's removal 50485
to the present district, and has diligently attended upon 50486
instruction in the schools of the present district for the 50487
period that the child has been a resident thereof; 50488

(c) That the child has removed to the present school 50489
district since the beginning of the last annual school session, 50490
and that instruction adapted to the child's needs is not 50491
provided in the regular day schools in the district; 50492

(d) That conditions are such that the child must provide 50493
for the child's own support or that the child is needed for the 50494
support or care of parents or for the support or care of 50495
brothers or sisters for whom the parents are unable to provide 50496
and that the child is desirous of working for the support or 50497
care of self or of such parents or siblings and that such child 50498

cannot render such needed support or care by a reasonable effort 50499
outside of school hours; but no age and schooling certificate 50500
shall be granted to a child of this group upon proof of such 50501
facts without written consent given to the superintendent by the 50502
juvenile judge and by the department of job and family services. 50503

(2) In case the certificate is granted under division (A) 50504
(1) of this section, that until reaching the age of eighteen 50505
years the child will diligently attend in addition to part-time 50506
classes, such evening classes as will add to the child's 50507
education for literacy, citizenship, or vocational preparation 50508
which may be made available to the child in the school district 50509
and which the child may be directed to attend by the 50510
superintendent, or in case no such classes are available, that 50511
the child will pursue such reading and study and report monthly 50512
thereon as may be directed by the superintendent. 50513

(B) Beginning July 1, 2016, an age and schooling 50514
certificate may be issued pursuant to this section only to a 50515
child over sixteen years of age who does both of the following: 50516

(1) Upon agreement in writing, by the child and the 50517
parents, guardian, or custodian in charge of such child, 50518
provides proof acceptable to the superintendent that the 50519
conditions in division (A) (1) of this section are met; 50520

(2) Is enrolled in a competency-based instructional 50521
program to earn a high school diploma in accordance with the 50522
rules adopted by the ~~state board~~ department of education and 50523
workforce pursuant to division (C) of this section. 50524

(C) ~~Not later than July 1, 2016, the state board~~ The 50525
department, in accordance with Chapter 119. of the Revised Code, 50526
shall adopt rules on the requirements for completing a 50527

competency-based instructional program that leads to a high school diploma under this section. 50528
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Sec. 3331.08. In case a superintendent of schools refuses to excuse a child from attendance at school for one of the reasons stated in section 3321.04 or 3321.042 of the Revised Code, or a superintendent or a chief administrative officer refuses upon request to grant an age and schooling certificate as provided in section 3331.01 of the Revised Code, an appeal may be taken from such decision to the juvenile judge of the county, upon the giving of bond, within ten days thereafter, to the approval of such judge, to pay the costs of appeal. The juvenile judge's decision in the matter shall be final. 50530
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Sec. 3332.02. This chapter does not apply to the following categories of courses, schools, or colleges: 50540
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(A) Tuition-free courses or schools conducted by employers exclusively for their own employees; 50542
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(B) Nonprofit institutions with certificates of authorization issued pursuant to section 1713.02 of the Revised Code or that are nonprofit institutions exempted from the requirement to obtain a certificate by division (E) of that section; 50544
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(C) Schools, colleges, technical colleges, or universities established by law or chartered by the ~~Ohio board~~ chancellor of regents higher education; 50549
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(D) Courses of instruction required by law to be approved or licensed by a state board or agency other than the state board of career colleges and schools, except that a school so approved or licensed may apply to the state board of career colleges and schools for a certificate of registration to be 50552
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issued in accordance with this chapter; 50557

(E) Schools for which minimum standards are prescribed by 50558
the ~~state board~~ director of education and workforce pursuant to 50559
division (D) of section 3301.07 of the Revised Code; 50560

(F) Courses of instruction conducted by a public school 50561
district or a combination of public school districts; 50562

(G) Courses of instruction conducted outside the United 50563
States; 50564

(H) Private institutions exempt from regulation under this 50565
chapter as prescribed in section 3333.046 of the Revised Code; 50566

(I) Training courses for employees paid for by their 50567
employers and conducted by outside service providers. 50568

Sec. 3332.03. There is hereby created the state board of 50569
career colleges and schools to consist of the ~~state~~ 50570
~~superintendent of public instruction or an assistant~~ 50571
~~superintendent designated by the superintendent, the~~ chancellor 50572
of the ~~Ohio board of regents~~ higher education or a vice 50573
chancellor designated by the chancellor, the director of 50574
education and workforce or the director's designee, and six 50575
members appointed by the governor, with the advice and consent 50576
of the senate. Members' terms of office shall be for five years, 50577
commencing on the twenty-first day of November and ending on the 50578
twentieth day of November. Each member shall hold office from 50579
the date of appointment until the end of the term for which the 50580
member was appointed. 50581

Three of the members appointed by the governor shall have 50582
been engaged for a period of not less than five years 50583
immediately preceding appointment in an executive or managerial 50584
position in a private, trade, technical, or other school subject 50585

to this chapter. One member appointed by the governor shall be a 50586
representative of students and shall have graduated with an 50587
associate or baccalaureate degree, within five years prior to 50588
appointment, from a school subject to this chapter. Two members 50589
appointed by the governor shall be representatives of the 50590
general public and shall have had no affiliation with, or direct 50591
or indirect interest in, schools subject to this chapter for at 50592
least two years prior to appointment. In selecting the 50593
representatives of the general public, the governor shall make 50594
an effort to find individuals with background or experience in 50595
the regulation of commerce, business, or education. The two 50596
members of the board who are representatives of the general 50597
public shall not be affiliated in any way with or have any 50598
direct or indirect interest in any schools subject to this 50599
chapter during their terms. Except for enrollment in a school 50600
subject to this chapter, the member representing students shall 50601
have had no affiliation in any way with, or have any direct or 50602
indirect interest in any school subject to this chapter for at 50603
least two years prior to appointment or during the member's 50604
term. 50605

Any vacancy shall be filled in the manner provided for 50606
original appointment. Any member appointed to fill a vacancy 50607
occurring prior to the expiration of the term for which the 50608
member's predecessor was appointed shall hold office for the 50609
remainder of such term. Any appointed member shall continue in 50610
office subsequent to the expiration date of the member's term 50611
until the member's successor takes office, or until a period of 50612
sixty days has elapsed, whichever occurs first. 50613

Members of the board have full voting rights, except for 50614
the member representing students who shall be a nonvoting 50615
member. Each member of the board appointed by the governor shall 50616

be compensated at the rate established pursuant to division (J) 50617
of section 124.15 of the Revised Code, but shall not receive 50618
step advancements, for those days the member is engaged in the 50619
discharge of official duties. In addition, members appointed by 50620
the governor may be compensated for the expenses necessarily 50621
incurred in the attendance at meetings or in performing other 50622
services for the board. The chairperson of the board shall 50623
annually be elected or determined as follows: 50624

(A) If both members of the board representing the general 50625
public have served on the board for at least one year, the 50626
members shall elect one of these two members as chairperson. If 50627
one of these members declines to be elected or serve, the other 50628
member representing the general public shall be chairperson. If 50629
both members representing the general public decline to be 50630
elected or serve, division (C) of this section shall apply. 50631

(B) If only one member of the board representing the 50632
general public has served on the board for at least one year, 50633
this member shall be chairperson. If this member declines to 50634
serve, division (C) of this section shall apply. 50635

(C) If neither member of the board representing the 50636
general public has served on the board for at least one year or 50637
if this division applies pursuant to division (A) or (B) of this 50638
section, the members of the board shall elect a chairperson from 50639
among any of the voting members of the board who have served on 50640
the board for at least one year. 50641

Sec. 3332.04. The state board of career colleges and 50642
schools may appoint an executive director and such other staff 50643
as may be required for the performance of the board's duties and 50644
provide necessary facilities. In selecting an executive 50645
director, the board shall appoint an individual with a 50646

background or experience in the regulation of commerce, 50647
business, or education. The board may also arrange for services 50648
and facilities to be provided by the ~~state board of education~~ 50649
~~and the Ohio board of regents~~ department of education and 50650
workforce or the department of higher education. All receipts of 50651
the board shall be deposited in the state treasury to the credit 50652
of the occupational licensing and regulatory fund. 50653

Sec. 3333.04. The chancellor of higher education shall: 50654

(A) Make studies of state policy in the field of higher 50655
education and formulate a master plan for higher education for 50656
the state, considering the needs of the people, the needs of the 50657
state, and the role of individual public and private 50658
institutions within the state in fulfilling these needs; 50659

(B) (1) Report annually to the governor and the general 50660
assembly on the findings from the chancellor's studies and the 50661
master plan for higher education for the state; 50662

(2) Report at least semiannually to the general assembly 50663
and the governor the enrollment numbers at each state-assisted 50664
institution of higher education. 50665

(C) Approve or disapprove the establishment of new 50666
branches or academic centers of state colleges and universities; 50667

(D) Approve or disapprove the establishment of state 50668
technical colleges or any other state institution of higher 50669
education; 50670

(E) Recommend the nature of the programs, undergraduate, 50671
graduate, professional, state-financed research, and public 50672
services which should be offered by the state colleges, 50673
universities, and other state-assisted institutions of higher 50674
education in order to utilize to the best advantage their 50675

facilities and personnel; 50676

(F) Recommend to the state colleges, universities, and 50677
other state-assisted institutions of higher education graduate 50678
or professional programs, including, but not limited to, doctor 50679
of philosophy, doctor of education, and juris doctor programs, 50680
that could be eliminated because they constitute unnecessary 50681
duplication, as shall be determined using the process developed 50682
pursuant to this division, or for other good and sufficient 50683
cause. Prior to recommending a program for elimination, the 50684
chancellor shall request the board of regents to hold at least 50685
one public hearing on the matter and advise the chancellor on 50686
whether the program should be recommended for elimination. The 50687
board shall provide notice of each hearing within a reasonable 50688
amount of time prior to its scheduled date. Following the 50689
hearing, the board shall issue a recommendation to the 50690
chancellor. The chancellor shall consider the board's 50691
recommendation but shall not be required to accept it. 50692

For purposes of determining the amounts of any state 50693
instructional subsidies paid to state colleges, universities, 50694
and other state-assisted institutions of higher education, the 50695
chancellor may exclude students enrolled in any program that the 50696
chancellor has recommended for elimination pursuant to this 50697
division except that the chancellor shall not exclude any such 50698
student who enrolled in the program prior to the date on which 50699
the chancellor initially commences to exclude students under 50700
this division. 50701

The chancellor and state colleges, universities, and other 50702
state-assisted institutions of higher education shall jointly 50703
develop a process for determining which existing graduate or 50704
professional programs constitute unnecessary duplication. 50705

(G) Recommend to the state colleges, universities, and 50706
other state-assisted institutions of higher education programs 50707
which should be added to their present programs; 50708

(H) Conduct studies for the state colleges, universities, 50709
and other state-assisted institutions of higher education to 50710
assist them in making the best and most efficient use of their 50711
existing facilities and personnel; 50712

(I) Make recommendations to the governor and general 50713
assembly concerning the development of state-financed capital 50714
plans for higher education; the establishment of new state 50715
colleges, universities, and other state-assisted institutions of 50716
higher education; and the establishment of new programs at the 50717
existing state colleges, universities, and other institutions of 50718
higher education; 50719

(J) Review the appropriation requests of the public 50720
community colleges and the state colleges and universities and 50721
submit to the office of budget and management and to the 50722
chairpersons of the finance committees of the house of 50723
representatives and of the senate the chancellor's 50724
recommendations in regard to the biennial higher education 50725
appropriation for the state, including appropriations for the 50726
individual state colleges and universities and public community 50727
colleges. For the purpose of determining the amounts of 50728
instructional subsidies to be paid to state-assisted colleges 50729
and universities, the chancellor shall define "full-time 50730
equivalent student" by program per academic year. The definition 50731
may take into account the establishment of minimum enrollment 50732
levels in technical education programs below which support 50733
allowances will not be paid. Except as otherwise provided in 50734
this section, the chancellor shall make no change in the 50735

definition of "full-time equivalent student" in effect on 50736
November 15, 1981, which would increase or decrease the number 50737
of subsidy-eligible full-time equivalent students, without first 50738
submitting a fiscal impact statement to the president of the 50739
senate, the speaker of the house of representatives, the 50740
legislative service commission, and the director of budget and 50741
management. The chancellor shall work in close cooperation with 50742
the director of budget and management in this respect and in all 50743
other matters concerning the expenditures of appropriated funds 50744
by state colleges, universities, and other institutions of 50745
higher education. 50746

(K) Seek the cooperation and advice of the officers and 50747
trustees of both public and private colleges, universities, and 50748
other institutions of higher education in the state in 50749
performing the chancellor's duties and making the chancellor's 50750
plans, studies, and recommendations; 50751

(L) Appoint advisory committees consisting of persons 50752
associated with public or private secondary schools, members of 50753
the state board of education, or personnel of the ~~state~~ 50754
department of education and workforce; 50755

(M) Appoint advisory committees consisting of college and 50756
university personnel, or other persons knowledgeable in the 50757
field of higher education, or both, in order to obtain their 50758
advice and assistance in defining and suggesting solutions for 50759
the problems and needs of higher education in this state; 50760

(N) Approve or disapprove all new degrees and new degree 50761
programs at all state colleges, universities, and other state- 50762
assisted institutions of higher education. 50763

When considering approval of a new degree or degree 50764

program for a state institution of higher education, as defined 50765
in section 3345.011 of the Revised Code, the chancellor shall 50766
take into account the extent to which the degree or degree 50767
program aligns with the state's workforce development 50768
priorities. 50769

(O) Adopt such rules as are necessary to carry out the 50770
chancellor's duties and responsibilities. The rules shall 50771
prescribe procedures for the chancellor to follow when taking 50772
actions associated with the chancellor's duties and 50773
responsibilities and shall indicate which types of actions are 50774
subject to those procedures. The procedures adopted under this 50775
division shall be in addition to any other procedures prescribed 50776
by law for such actions. However, if any other provision of the 50777
Revised Code or rule adopted by the chancellor prescribes 50778
different procedures for such an action, the procedures adopted 50779
under this division shall not apply to that action to the extent 50780
they conflict with the procedures otherwise prescribed by law. 50781
The procedures adopted under this division shall include at 50782
least the following: 50783

(1) Provision for public notice of the proposed action; 50784

(2) An opportunity for public comment on the proposed 50785
action, which may include a public hearing on the action by the 50786
board of regents; 50787

(3) Methods for parties that may be affected by the 50788
proposed action to submit comments during the public comment 50789
period; 50790

(4) Submission of recommendations from the board of 50791
regents regarding the proposed action, at the request of the 50792
chancellor; 50793

(5) Written publication of the final action taken by the chancellor and the chancellor's rationale for the action;	50794
	50795
(6) A timeline for the process described in divisions (O) (1) to (5) of this section.	50796
	50797
(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code;	50798
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(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;	50802
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(R) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;	50806
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(S) Conduct enrollment audits of state-supported institutions of higher education;	50811
	50812
(T) Appoint consortia of college and university personnel to advise or participate in the development and operation of statewide collaborative efforts, including the Ohio supercomputer center, the Ohio academic resources network, OhioLink, and the Ohio learning network. For each consortium, the chancellor shall designate a college or university to serve as that consortium's fiscal agent, financial officer, and employer. Any funds appropriated for the consortia shall be distributed to the fiscal agents for the operation of the consortia. A consortium shall follow the rules of the college or	50813
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university that serves as its fiscal agent. The chancellor may 50823
restructure existing consortia, appointed under this division, 50824
in accordance with procedures adopted under divisions (O) (1) to 50825
(6) of this section. 50826

(U) Adopt rules establishing advisory duties and 50827
responsibilities of the board of regents not otherwise 50828
prescribed by law; 50829

(V) Respond to requests for information about higher 50830
education from members of the general assembly and direct staff 50831
to conduct research or analysis as needed for this purpose. 50832

Sec. 3333.041. (A) On or before the last day of December 50833
of each year, the chancellor of higher education shall submit to 50834
the governor and, in accordance with section 101.68 of the 50835
Revised Code, the general assembly a report or reports 50836
concerning all of the following: 50837

(1) The status of graduates of Ohio school districts at 50838
state institutions of higher education during the twelve-month 50839
period ending on the thirtieth day of September of the current 50840
calendar year. The report shall list, by school district, the 50841
number of graduates of each school district who attended a state 50842
institution of higher education and the percentage of each 50843
district's graduates enrolled in a state institution of higher 50844
education during the reporting period who were required during 50845
such period by the college or university, as a prerequisite to 50846
enrolling in those courses generally required for first-year 50847
students, to enroll in a remedial course in English, including 50848
composition or reading, mathematics, and any other area 50849
designated by the chancellor. The chancellor also shall make the 50850
information described in division (A) (1) of this section 50851
available to the board of education of each city, exempted 50852

village, and local school district. 50853

Each state institution of higher education shall, by the 50854
first day of November of each year, submit to the chancellor in 50855
the form specified by the chancellor the information the 50856
chancellor requires to compile the report. 50857

(2) The following information with respect to the Ohio 50858
tuition trust authority: 50859

(a) The name of each investment manager that is a minority 50860
business enterprise or a women's business enterprise with which 50861
the chancellor contracts; 50862

(b) The amount of assets managed by investment managers 50863
that are minority business enterprises or women's business 50864
enterprises, expressed as a percentage of assets managed by 50865
investment managers with which the chancellor has contracted; 50866

(c) Efforts by the chancellor to increase utilization of 50867
investment managers that are minority business enterprises or 50868
women's business enterprises. 50869

(3) The chancellor's strategy in assigning choose Ohio 50870
first scholarships, as established under section 3333.61 of the 50871
Revised Code, among state universities and colleges and how the 50872
actual awards fit that strategy. 50873

(4) The academic and economic impact of the Ohio co- 50874
op/internship program established under section 3333.72 of the 50875
Revised Code. At a minimum, the report shall include the 50876
following: 50877

(a) Progress and performance metrics for each initiative 50878
that received an award in the previous fiscal year; 50879

(b) Economic indicators of the impact of each initiative, 50880

and all initiatives as a whole, on the regional economies and 50881
the statewide economy; 50882

(c) The chancellor's strategy in allocating awards among 50883
state institutions of higher education and how the actual awards 50884
fit that strategy. 50885

(B) On or before the fifteenth day of February of each 50886
year, the ~~director~~chancellor shall submit to the governor and, 50887
in accordance with section 101.68 of the Revised Code, the 50888
general assembly a report concerning aggregate academic growth 50889
data for students assigned to graduates of teacher preparation 50890
programs approved under section 3333.048 of the Revised Code who 50891
teach English language arts or mathematics in any of grades four 50892
to eight in a public school in Ohio. For this purpose, the 50893
~~director~~chancellor shall use the value-added progress dimension 50894
prescribed by section 3302.021 of the Revised Code or the 50895
alternative student academic progress measure if adopted under 50896
division (C)(1)(e) of section 3302.03 of the Revised Code. The 50897
~~director~~chancellor shall aggregate the data by graduating class 50898
for each approved teacher preparation program, except that if a 50899
particular class has ten or fewer graduates to which this 50900
division applies, the ~~director~~chancellor shall report the data 50901
for a group of classes over a three-year period. In no case 50902
shall the report identify any individual graduate. The 50903
department of education and workforce shall share any data 50904
necessary for the report with the ~~director~~chancellor. 50905

(C) As used in this section: 50906

(1) "Minority business enterprise" has the same meaning as 50907
in section 122.71 of the Revised Code. 50908

(2) "State institution of higher education" and "state 50909

university" have the same meanings as in section 3345.011 of the Revised Code.

(3) "State university or college" has the same meaning as in section 3345.12 of the Revised Code.

(4) "Women's business enterprise" means a business, or a partnership, corporation, limited liability company, or joint venture of any kind, that is owned and controlled by women who are United States citizens and residents of this state.

Sec. 3333.048. (A) ~~Not later than one year after October 16, 2009, the~~ The chancellor of higher education and the ~~superintendent of public instruction~~ director of education and workforce jointly shall do the following:

(1) In accordance with Chapter 119. of the Revised Code, establish metrics and educator preparation programs for the preparation of educators and other school personnel and the institutions of higher education that are engaged in their preparation. The metrics and educator preparation programs shall be aligned with the standards and qualifications for educator licenses adopted by the state board of education under section 3319.22 of the Revised Code and the requirements of the Ohio teacher residency program established under section 3319.223 of the Revised Code. The metrics and educator preparation programs also shall ensure that educators and other school personnel are adequately prepared to use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C) (1) (e) of section 3302.03 of the Revised Code.

(2) Provide for the inspection of institutions of higher education desiring to prepare educators and other school

personnel. 50939

~~(B) Not later than one year after October 16, 2009, the~~ 50940
The chancellor shall approve institutions of higher education 50941
engaged in the preparation of educators and other school 50942
personnel that maintain satisfactory training procedures and 50943
records of performance, as determined by the chancellor. 50944

(C) If the metrics established under division (A) (1) of 50945
this section require an institution of higher education that 50946
prepares teachers to satisfy the standards of an independent 50947
accreditation organization, the chancellor shall permit each 50948
institution to satisfy the standards of any applicable national 50949
educator preparation accrediting agency recognized by the United 50950
States department of education. 50951

(D) The metrics and educator preparation programs 50952
established under division (A) (1) of this section may require an 50953
institution of higher education, as a condition of approval by 50954
the chancellor, to make changes in the curricula of its 50955
preparation programs for educators and other school personnel. 50956

Notwithstanding division (E) of section 119.03 and 50957
division (A) (1) of section 119.04 of the Revised Code, any 50958
metrics, educator preparation programs, rules, and regulations, 50959
or any amendment or rescission of such metrics, educator 50960
preparation programs, rules, and regulations, adopted under this 50961
section that necessitate institutions offering preparation 50962
programs for educators and other school personnel approved by 50963
the chancellor to revise the curricula of those programs shall 50964
not be effective for at least one year after the first day of 50965
January next succeeding the publication of the said change. 50966

Each institution shall allocate money from its existing 50967

revenue sources to pay the cost of making the curricular 50968
changes. 50969

(E) The chancellor shall notify the state board of the 50970
metrics and educator preparation programs established under 50971
division (A) (1) of this section and the institutions of higher 50972
education approved under division (B) of this section. The state 50973
board shall publish the metrics, educator preparation programs, 50974
and approved institutions with the standards and qualifications 50975
for each type of educator license. 50976

(F) The graduates of educator preparation programs 50977
approved by the chancellor shall be licensed by the state board 50978
in accordance with the standards and qualifications adopted 50979
under section 3319.22 of the Revised Code. 50980

Sec. 3333.0411. Not later than December 31, 2014, and 50981
annually thereafter, the chancellor of higher education shall 50982
report for each approved teacher preparation program, the number 50983
and percentage of all graduates of the program who were rated at 50984
each of the performance levels prescribed by division (B) (1) of 50985
section 3319.112 of the Revised Code on an evaluation conducted 50986
in accordance with section 3319.111 of the Revised Code in the 50987
previous school year. 50988

In no case shall the report identify any individual 50989
graduate. The department of education and workforce shall share 50990
any data necessary for the report with the chancellor. 50991

Sec. 3333.0415. ~~Beginning in 2018, the~~ The chancellor of 50992
higher education, in collaboration with the department of 50993
education and workforce, shall prepare an annual report 50994
regarding the progress the state is making in increasing the 50995
percentage of adults in the state with a college degree, 50996

industry certificate, or other postsecondary credential to 50997
sixty-five per cent by the year 2025. The chancellor shall 50998
submit an electronic copy of the report to the governor, the 50999
president and minority leader of the senate, and the speaker and 51000
minority leader of the house of representatives. 51001

Sec. 3333.07. (A) Colleges, universities, and other 51002
institutions of higher education which receive state assistance, 51003
but are not supported primarily by the state, shall submit to 51004
the chancellor of higher education such accounting of the 51005
expenditure of state funds at such time and in such form as the 51006
chancellor prescribes. 51007

(B) No state institution of higher education shall 51008
establish a new branch or academic center without the approval 51009
of the chancellor. 51010

(C) No state institution of higher education shall offer a 51011
new degree or establish a new degree program without the 51012
approval of the chancellor. No degree approval shall be given 51013
for a technical education program unless such program is offered 51014
by a state assisted university, a university branch, a technical 51015
college, or a community college. 51016

(D) Any state college, university, or other state assisted 51017
institution of higher education not complying with a 51018
recommendation of the chancellor pursuant to division (F) or (G) 51019
of section 3333.04 of the Revised Code shall so notify the 51020
chancellor in writing within one hundred twenty days after 51021
receipt of the recommendation, stating the reasons why it cannot 51022
or should not comply. 51023

(E) The officers, trustees, and employees of all 51024
institutions of higher education which are state supported or 51025

state assisted shall cooperate with the chancellor in supplying 51026
information regarding their institutions, and advising and 51027
assisting the chancellor on matters of higher education in this 51028
state in every way possible when so requested by the chancellor. 51029

(F) Persons associated with the public school systems in 51030
this state, ~~and the personnel of the state department of~~ 51031
~~education, and members of the state board of education, and~~ 51032
workforce shall provide such data about high school students as 51033
are requested by the chancellor to aid in the development of 51034
state higher education plans. 51035

Sec. 3333.162. (A) As used in this section, "state 51036
institution of higher education" means an institution of higher 51037
education as defined in section 3345.12 of the Revised Code. 51038

(B) ~~By April 15, 2007, the~~ The chancellor of higher 51039
education, in consultation with the department of education and 51040
workforce, public adult and secondary career-technical education 51041
institutions, ~~and state institutions of higher education,~~ shall 51042
establish criteria, policies, and procedures that enable 51043
students to transfer agreed upon technical courses completed 51044
through an adult career-technical education institution, a 51045
public secondary career-technical institution, or a state 51046
institution of higher education to a state institution of higher 51047
education without unnecessary duplication or institutional 51048
barriers. The courses to which the criteria, policies, and 51049
procedures apply shall be those that adhere to recognized 51050
industry standards and equivalent coursework common to the 51051
secondary career pathway and adult career-technical education 51052
system and regionally accredited state institutions of higher 51053
education. Where applicable, the policies and procedures shall 51054
build upon the articulation agreement and transfer initiative 51055

course equivalency system required by section 3333.16 of the Revised Code. 51056
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Sec. 3333.167. (A) As used in this section: 51058

(1) "Approved course" means a career-technical education 51059
course offered by a career-technical planning district to which 51060
either of the following applies: 51061

(a) The course complies with the criteria, policies, and 51062
procedures established under section 3333.162 of the Revised 51063
Code. 51064

(b) The course is approved through an articulation 51065
agreement that a career-technical planning district has entered 51066
into with a state institution of higher education. 51067

(2) "Career-technical planning district" has the same 51068
meaning as in section 3317.023 of the Revised Code. 51069

(3) "State institution of higher education" has the same 51070
meaning as in section 3345.011 of the Revised Code. 51071

(B) The chancellor of higher education, in consultation 51072
with the ~~superintendent of public instruction~~director of 51073
education and workforce, shall develop and, if determined 51074
appropriate by the chancellor and the ~~state~~ 51075
~~superintendent~~director, implement a statewide plan that permits 51076
a high school student enrolled in a career-technical planning 51077
district to receive post-secondary credit on a college 51078
transcript in a manner comparable to the college credit plus 51079
program established under Chapter 3365. of the Revised Code for 51080
the completion of an approved course. 51081

(C) The statewide plan developed under division (B) of 51082
this section shall do all of the following: 51083

- (1) Identify and define the criteria, policies, procedures, and timelines necessary for a high school student to receive post-secondary credit on a college transcript for completing an approved course; 51084
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- (2) Identify any technology solutions or statewide data information systems necessary to streamline and facilitate the electronic exchange of student data to improve the credit verification process for students, career-technical planning districts, and state institutions of higher education; 51088
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- (3) Identify any regional or national accreditation requirements or state policy barriers that currently exist that need to be considered in developing the statewide plan; 51093
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- (4) If the chancellor and the ~~state superintendent~~ director determine it appropriate to implement the statewide plan, recommend a date and the method by which the statewide plan shall be implemented. 51096
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- (D) The chancellor shall convene a group of stakeholders to assist in preparing the plan under division (B) of this section. The group shall include a representative from each of the following: 51100
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- (1) The Ohio association of career-technical education; 51104
- (2) The Ohio association of career-technical superintendents; 51105
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- (3) The Ohio association of compact and comprehensive career-technical schools; 51107
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- (4) The Ohio association of community colleges; 51109
- (5) The inter-university council of Ohio; 51110

(6) The association of independent colleges and universities of Ohio; 51111
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(7) Any other stakeholders determined appropriate by the chancellor. 51113
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(E) Not later than June 30, 2020, the chancellor shall submit to the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives, the completed plan developed under division (B) of this section. 51115
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Sec. 3333.21. As used in sections 3333.21 to 3333.23 of the Revised Code, "term" and "academic year" mean "term" and "academic year" as defined by the chancellor of higher education. 51120
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The chancellor shall establish and administer an academic scholarship program. Under the program, a total of one thousand new scholarships shall be awarded annually in the amount of not less than two thousand dollars per award. At least one such new scholarship shall be awarded annually to a student in each public high school and joint vocational school and each nonpublic high school for which the ~~state board~~ director of education and workforce prescribes minimum standards in accordance with section 3301.07 of the Revised Code. 51124
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To be eligible for the award of a scholarship, a student shall be a resident of Ohio and shall be enrolled as a full-time undergraduate student in an Ohio institution of higher education that meets the requirements of Title VI of the "Civil Rights Act of 1964" and is state-assisted, is nonprofit and holds a certificate of authorization issued under section 1713.02 of the Revised Code, is a private institution exempt from regulation 51133
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under Chapter 3332. of the Revised Code as prescribed in section 51140
3333.046 of the Revised Code, or holds a certificate of 51141
registration and program authorization issued under section 51142
3332.05 of the Revised Code and awards an associate or 51143
bachelor's degree. Students who attend an institution holding a 51144
certificate of registration shall be enrolled in a program 51145
leading to an associate or bachelor's degree for which associate 51146
or bachelor's degree program the institution has program 51147
authorization to offer the program issued under section 3332.05 51148
of the Revised Code. 51149

"Resident" and "full-time student" shall be defined in 51150
rules adopted by the chancellor. 51151

The chancellor shall award the scholarships on the basis 51152
of a formula designed by the chancellor to identify students 51153
with the highest capability for successful college study. The 51154
formula shall weigh the factor of achievement, as measured by 51155
grade point average, and the factor of ability, as measured by 51156
performance on a competitive examination specified by the 51157
chancellor. Students receiving scholarships shall be known as 51158
"Ohio academic scholars." 51159

Sec. 3333.31. (A) For state subsidy and tuition surcharge 51160
purposes, status as a resident of Ohio shall be defined by the 51161
chancellor of higher education by rule promulgated pursuant to 51162
Chapter 119. of the Revised Code. No adjudication as to the 51163
status of any person under such rule, however, shall be required 51164
to be made pursuant to Chapter 119. of the Revised Code. The 51165
term "resident" for these purposes shall not be equated with the 51166
definition of that term as it is employed elsewhere under the 51167
laws of this state and other states, and shall not carry with it 51168
any of the legal connotations appurtenant thereto. Rather, 51169

except as provided in divisions (B), (C), (D), (F), and (G) of 51170
this section, for such purposes, the rule promulgated under this 51171
section shall have the objective of excluding from treatment as 51172
residents those who are present in the state primarily for the 51173
purpose of attending a state-supported or state-assisted 51174
institution of higher education, and may prescribe presumptive 51175
rules, rebuttable or conclusive, as to such purpose based upon 51176
the source or sources of support of the student, residence prior 51177
to first enrollment, evidence of intention to remain in the 51178
state after completion of studies, or such other factors as the 51179
chancellor deems relevant. 51180

(B) The rules of the chancellor for determining student 51181
residency shall grant residency status to a veteran and to the 51182
veteran's spouse and any dependent of the veteran, if both of 51183
the following conditions are met: 51184

(1) The veteran either: 51185

(a) Served one or more years on active military duty and 51186
was honorably discharged or received a medical discharge that 51187
was related to the military service; 51188

(b) Was killed while serving on active military duty or 51189
has been declared to be missing in action or a prisoner of war. 51190

(2) If the veteran seeks residency status for tuition 51191
surcharge purposes, the veteran has established domicile in this 51192
state as of the first day of a term of enrollment in an 51193
institution of higher education. If the spouse or a dependent of 51194
the veteran seeks residency status for tuition surcharge 51195
purposes, the veteran and the spouse or dependent seeking 51196
residency status have established domicile in this state as of 51197
the first day of a term of enrollment in an institution of 51198

higher education, except that if the veteran was killed while 51199
serving on active military duty, has been declared to be missing 51200
in action or a prisoner of war, or is deceased after discharge, 51201
only the spouse or dependent seeking residency status shall be 51202
required to have established domicile in accordance with this 51203
division. 51204

(C) The rules of the chancellor for determining student 51205
residency shall grant residency status to both of the following: 51206

(1) A veteran who is the recipient of federal veterans' 51207
benefits under the "All-Volunteer Force Educational Assistance 51208
Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans 51209
Educational Assistance Program," 38 U.S.C. 3301 et seq., or any 51210
successor program, if the veteran meets all of the following 51211
criteria: 51212

(a) The veteran served at least ninety days on active 51213
duty. 51214

(b) The veteran enrolls in a state institution of higher 51215
education, as defined in section 3345.011 of the Revised Code. 51216

(c) The veteran lives in the state as of the first day of 51217
a term of enrollment in the state institution of higher 51218
education. 51219

(2) A person who is the recipient of the federal Marine 51220
Gunnery Sergeant John David Fry scholarship or transferred 51221
federal veterans' benefits under any of the programs described 51222
in division (C)(1) of this section, if the person meets both of 51223
the following criteria: 51224

(a) The person enrolls in a state institution of higher 51225
education. 51226

(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education. 51227
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In order for a person using transferred federal veterans' benefits to qualify under division (C) (2) of this section, the veteran who transferred the benefits must have served at least ninety days on active duty or the service member who transferred the benefits must be on active duty. 51229
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(D) The rules of the chancellor for determining student residency shall grant residency status to a service member who is on active duty and to the service member's spouse and any dependent of the service member while the service member is on active duty. In order to qualify under division (D) of this section, the rules shall require the student seeking in-state tuition rates to live in the state as of the first day of a term of enrollment in the state institution of higher education, but shall not require the service member or the service member's spouse or dependent to establish domicile in this state as of the first day of a term of enrollment in an institution of higher education. 51234
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(E) The rules of the chancellor for determining student residency shall not deny residency status to a student who is either a dependent child of a parent, or the spouse of a person who, as of the first day of a term of enrollment in an institution of higher education, has accepted full-time employment and established domicile in this state for reasons other than gaining the benefit of favorable tuition rates. 51246
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Documentation of full-time employment and domicile shall include both of the following documents: 51253
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(1) A sworn statement from the employer or the employer's 51255

representative on the letterhead of the employer or the 51256
employer's representative certifying that the parent or spouse 51257
of the student is employed full-time in Ohio; 51258

(2) A copy of the lease under which the parent or spouse 51259
is the lessee and occupant of rented residential property in the 51260
state, a copy of the closing statement on residential real 51261
property of which the parent or spouse is the owner and occupant 51262
in this state or, if the parent or spouse is not the lessee or 51263
owner of the residence in which the parent or spouse has 51264
established domicile, a letter from the owner of the residence 51265
certifying that the parent or spouse resides at that residence. 51266

Residency officers may also evaluate, in accordance with 51267
the chancellor's rule, requests for immediate residency status 51268
from dependent students whose parents are not living and whose 51269
domicile follows that of a legal guardian who has accepted full- 51270
time employment and established domicile in the state for 51271
reasons other than gaining the benefit of favorable tuition 51272
rates. 51273

(F) (1) The rules of the chancellor for determining student 51274
residency shall grant residency status to a person who enrolls 51275
in an institution of higher education and establishes domicile 51276
in this state, regardless of the student's residence prior to 51277
that enrollment and satisfies either of the following 51278
conditions: 51279

(a) The person, while a resident of this state for state 51280
subsidy and tuition surcharge purposes, graduated from a high 51281
school in this state or completed the final year of instruction 51282
at home as authorized under section ~~3321.04~~ 3321.042 of the 51283
Revised Code. 51284

(b) The person meets all of the following criteria:	51285
(i) The person officially withdrew from a school in this state while the person was a resident of this state for state subsidy and tuition surcharge purposes.	51286 51287 51288
(ii) The person has not received a high school diploma or honors diploma awarded under section 3313.61, 3313.611, 3313.612, or 3325.08 of the Revised Code or a high school diploma awarded by a school located in another state or country.	51289 51290 51291 51292
(iii) The person, while a resident of this state for state subsidy and tuition surcharge purposes, both took a high school equivalency test and was awarded a certificate of high school equivalence.	51293 51294 51295 51296
(2) The rules of the chancellor for determining student residency shall not grant residency status to an alien if the alien is not also an immigrant or a nonimmigrant.	51297 51298 51299
(G) The rules of the chancellor for determining student residency status shall grant residency status to a person to whom all of the following apply:	51300 51301 51302
(1) The person, while not a resident of this state for state subsidy and tuition surcharge purposes, lives in this state and completes a bachelor's degree program at an institution of higher education in this state.	51303 51304 51305 51306
(2) The person, upon completing that bachelor's degree program, immediately enrolls in a graduate degree program, as determined appropriate by the chancellor, offered at any state institution of higher education.	51307 51308 51309 51310
(3) The person, while enrolled in the graduate degree program, resides in this state.	51311 51312

The chancellor's rules adopted under this section shall 51313
define "immediately" for the purposes of division (G) of this 51314
section. 51315

(H) As used in this section: 51316

(1) "Dependent," "domicile," "institution of higher 51317
education," and "residency officer" have the meanings ascribed 51318
in the chancellor's rules adopted under this section. 51319

(2) "Alien" means a person who is not a United States 51320
citizen or a United States national. 51321

(3) "Immigrant" means an alien who has been granted the 51322
right by the United States bureau of citizenship and immigration 51323
services to reside permanently in the United States and to work 51324
without restrictions in the United States. 51325

(4) "Nonimmigrant" means an alien who has been granted the 51326
right by the United States bureau of citizenship and immigration 51327
services to reside temporarily in the United States. 51328

(5) "Veteran" means any person who has completed service 51329
in the uniformed services, as defined in section 3511.01 of the 51330
Revised Code. 51331

(6) "Service member" has the same meaning as in section 51332
5903.01 of the Revised Code. 51333

(7) "Certificate of high school equivalence" means either 51334
of the following: 51335

(a) A certificate of high school equivalence awarded by 51336
the department of education and workforce under division (A) of 51337
section 3301.80 of the Revised Code; 51338

(b) The equivalent of a certificate of high school 51339

equivalence awarded by the state board of education under former 51340
law, as defined in division (C)(1) of section 3301.80 of the 51341
Revised Code. 51342

Sec. 3333.34. (A) As used in this section: 51343

(1) "Pre-college stackable certificate" means a 51344
certificate earned before an adult is enrolled in an institution 51345
of higher education that can be transferred to college credit 51346
based on standards established by the chancellor of higher 51347
education and the department of education and workforce. 51348

(2) "College-level certificate" means a certificate earned 51349
while an adult is enrolled in an institution of higher education 51350
that can be transferred to college credit based on standards 51351
established by the chancellor and the department ~~of education~~. 51352

(B) The chancellor and the department ~~of education~~ shall 51353
create a system of pre-college stackable certificates to provide 51354
a clear and accessible path for adults seeking to advance their 51355
education. The system shall do all of the following: 51356

(1) Be uniform across the state; 51357

(2) Be available from an array of providers, including 51358
adult career centers, institutions of higher education, and 51359
employers; 51360

(3) Be structured to respond to the expectations of both 51361
the workplace and higher education; 51362

(4) Be articulated in a way that ensures the most 51363
effective interconnection of competencies offered in specialized 51364
training programs; 51365

(5) Establish standards for earning pre-college 51366
certificates; 51367

(6) Establish transferability of pre-college certificates 51368
to college credit. 51369

(C) The chancellor shall develop college-level 51370
certificates that can be transferred to college credit in 51371
different subject competencies. The certificates shall be based 51372
on competencies and experience and not on classroom seat time. 51373

Sec. 3333.35. ~~The state board~~ department of education and 51374
workforce and the chancellor of higher education shall strive to 51375
reduce unnecessary student remediation costs incurred by 51376
colleges and universities in this state, increase overall access 51377
for students to higher education, and enhance the college credit 51378
plus program in accordance with Chapter 3365. of the Revised 51379
Code, ~~and. The state board of education shall strive to~~ enhance 51380
the alternative resident educator licensure program in 51381
accordance with section 3319.26 of the Revised Code. 51382

Sec. 3333.37. As used in sections 3333.37 to 3333.375 of 51383
the Revised Code, the following words and terms have the 51384
following meanings unless the context indicates a different 51385
meaning or intent: 51386

(A) "Cost of attendance" means all costs of a student 51387
incurred in connection with a program of study at an eligible 51388
institution, as determined by the institution, including 51389
tuition; instructional fees; room and board; books, computers, 51390
and supplies; and other related fees, charges, and expenses. 51391

(B) "Eligible institution" means one of the following: 51392

(1) A state-assisted post-secondary educational 51393
institution within the state; 51394

(2) A nonprofit institution of higher education within the 51395
state that holds a certificate of authorization issued under 51396

Chapter 1713. of the Revised Code, that is accredited by the 51397
appropriate regional and, when appropriate, professional 51398
accrediting associations within whose jurisdiction it falls, is 51399
authorized to grant a bachelor's degree or higher, and satisfies 51400
other conditions as set forth in the policy guidelines; 51401

(3) A private institution exempt from regulation under 51402
Chapter 3332. of the Revised Code as prescribed in section 51403
3333.046 of the Revised Code. 51404

(C) "Eligible student" means either of the following: 51405

(1) An undergraduate student who meets all of the 51406
following: 51407

(a) Is a resident of this state; 51408

(b) Has graduated from any Ohio secondary school for which 51409
~~the state board~~ director of education and workforce prescribes 51410
minimum standards in accordance with section 3301.07 of the 51411
Revised Code; 51412

(c) Is attending and in good standing, or has been 51413
accepted for attendance, at any eligible institution as a full- 51414
time student to pursue a bachelor's degree. 51415

(2) A graduate student who is a resident of this state, 51416
and is attending and in good standing, or has been accepted for 51417
attendance, at any eligible institution. 51418

(D) "Fellowship" or "fellowship program" means the Ohio 51419
priority needs fellowship created by sections 3333.37 to 51420
3333.375 of the Revised Code. 51421

(E) "Full-time student" has the meaning as defined by rule 51422
of the chancellor of higher education. 51423

(F) "Ohio outstanding scholar" means a student who is the recipient of a scholarship under sections 3333.37 to 3333.375 of the Revised Code.

(G) "Policy guidelines" means the rules adopted by the chancellor pursuant to section 3333.374 of the Revised Code.

(H) "Priority needs fellow" means a student who is the recipient of a fellowship under sections 3333.37 to 3333.375 of the Revised Code.

(I) "Priority needs field of study" means those academic majors and disciplines as determined by the chancellor that support the purposes and intent of sections 3333.37 to 3333.375 of the Revised Code as described in section 3333.371 of the Revised Code.

(J) "Scholarship" or "scholarship program" means the Ohio outstanding scholarship created by sections 3333.37 to 3333.375 of the Revised Code.

Sec. 3333.39. The chancellor of higher education and the ~~superintendent of public instruction~~ department of education and workforce shall establish and administer the teach Ohio program to promote and encourage citizens of this state to consider teaching as a profession. The program shall include all of the following:

(A) A statewide program administered by a nonprofit corporation that has been in existence for at least fifteen years with demonstrated results in encouraging high school students from economically disadvantaged groups to enter the teaching profession. The chancellor and ~~superintendent~~ the department jointly shall select the nonprofit corporation.

(B) The Ohio teaching fellows program established under

sections 3333.391 and 3333.392 of the Revised Code; 51453

(C) The Ohio teacher residency program established under 51454
section 3319.223 of the Revised Code; 51455

(D) Alternative licensure procedures established under 51456
section 3319.26 of the Revised Code; 51457

(E) Any other program as identified by the chancellor and 51458
~~the superintendent~~ department. 51459

Sec. 3333.391. (A) As used in this section and in section 51460
3333.392 of the Revised Code: 51461

(1) "Academic year" shall be as defined by the chancellor 51462
of higher education. 51463

(2) "Hard-to-staff school" and "hard-to-staff subject" 51464
shall be as defined by the department of education and 51465
workforce. 51466

(3) "Parent" means the parent, guardian, or custodian of a 51467
qualified student. 51468

(4) "Qualified service" means teaching at a qualifying 51469
school. 51470

(5) "Qualifying school" means a hard-to-staff school 51471
district building or a school district building that has a 51472
persistently low performance rating, as determined jointly by 51473
the chancellor and ~~superintendent of public instruction~~ the 51474
department of education and workforce, under section 3302.03 of 51475
the Revised Code at the time the recipient becomes employed by 51476
the district. 51477

(B) If the chancellor of higher education determines that 51478
sufficient funds are available from general revenue fund 51479

appropriations made to the department of higher education or to 51480
the chancellor, the chancellor and the ~~superintendent of public~~ 51481
~~instruction~~ department of education and workforce jointly may 51482
develop and agree on a plan for the Ohio teaching fellows 51483
program to promote and encourage high school seniors to enter 51484
and remain in the teaching profession. Upon agreement of such a 51485
plan, the chancellor shall establish and administer the program 51486
in conjunction with the ~~superintendent~~ department of education 51487
and workforce and with the cooperation of teacher training 51488
institutions. Under the program, the chancellor annually shall 51489
provide scholarships to students who commit to teaching in a 51490
qualifying school for a minimum of four years upon graduation 51491
from a teacher training program at a state institution of higher 51492
education or an Ohio nonprofit institution of higher education 51493
that has a certificate of authorization under Chapter 1713. of 51494
the Revised Code. The scholarships shall be for up to four years 51495
at the undergraduate level at an amount determined by the 51496
chancellor based on state appropriations. 51497

(C) The chancellor shall adopt a competitive process for 51498
awarding scholarships under the teaching fellows program, which 51499
shall include minimum grade point average and scores on national 51500
standardized tests for college admission. The process shall also 51501
give additional consideration to all of the following: 51502

(1) A person who has participated in the program described 51503
in division (A) of section 3333.39 of the Revised Code; 51504

(2) A person who plans to specialize in teaching students 51505
with special needs; 51506

(3) A person who plans to teach in the disciplines of 51507
science, technology, engineering, or mathematics. 51508

The chancellor shall require that all applicants to the teaching fellows program shall file a statement of service status in compliance with section 3345.32 of the Revised Code, if applicable, and that all applicants have not been convicted of, plead guilty to, or adjudicated a delinquent child for any violation listed in section 3333.38 of the Revised Code.

(D) Teaching fellows shall complete the four-year teaching commitment within not more than seven years after graduating from the teacher training program. Failure to fulfill the commitment shall convert the scholarship into a loan to be repaid under section 3333.392 of the Revised Code.

(E) The chancellor shall adopt rules in accordance with Chapter 119. of the Revised Code to administer this section and section 3333.392 of the Revised Code.

Sec. 3333.43. This section does not apply to any baccalaureate degree program that is a cooperative education program, as defined in section 3333.71 of the Revised Code.

(A) The chancellor of higher education shall require all state institutions of higher education that offer baccalaureate degrees, as a condition of reauthorization for certification of each baccalaureate program offered by the institution, to submit a statement describing how each major for which the school offers a baccalaureate degree may be completed within three academic years. The chronology of the statement shall begin with the fall semester of a student's first year of the baccalaureate program.

(B) The statement required under this section may include, but not be limited to, any of the following methods to contribute to earning a baccalaureate degree in three years:

(1) Advanced placement credit;	51538
(2) International baccalaureate program credit;	51539
(3) A waiver of degree and credit-hour requirements by completion of courses that are widely available at community colleges in the state or through online programs offered by state institutions of higher education or private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code, and through courses taken by the student through the college credit plus program under Chapter 3365. of the Revised Code;	51540 51541 51542 51543 51544 51545 51546 51547
(4) Completion of coursework during summer sessions;	51548
(5) A waiver of foreign-language degree requirements based on a proficiency examination specified by the institution.	51549 51550
(C) (1) Not later than October 15, 2012, each state institution of higher education shall provide statements required under this section for ten per cent of all baccalaureate degree programs offered by the institution.	51551 51552 51553 51554
(2) Not later than June 30, 2014, each state institution of higher education shall provide statements required under this section for sixty per cent of all baccalaureate degree programs offered by the institution.	51555 51556 51557 51558
(D) Each state institution of higher education required to submit statements under this section shall post its three-year option on its web site and also provide that information to the department of education <u>and workforce</u> . The department shall distribute that information to the superintendent, high school principal, and guidance counselor, or equivalents, of each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under	51559 51560 51561 51562 51563 51564 51565 51566

Chapter 3326. of the Revised Code. 51567

(E) Nothing in this section requires an institution to 51568
take any action that would violate the requirements of any 51569
independent association accrediting baccalaureate degree 51570
programs. 51571

Sec. 3333.66. (A) (1) Except as provided in division (A) (2) 51572
of this section, in each academic year, no student who receives 51573
a choose Ohio first scholarship shall receive less than one 51574
thousand five hundred dollars or more than one-half of the 51575
highest in-state undergraduate instructional and general fees 51576
charged by all state universities. For this purpose, if Miami 51577
university is implementing the pilot tuition restructuring plan 51578
originally recognized in Am. Sub. H.B. 95 of the 125th general 51579
assembly, that university's instructional and general fees shall 51580
be considered to be the average full-time in-state undergraduate 51581
instructional and general fee amount after taking into account 51582
the Ohio resident and Ohio leader scholarships and any other 51583
credit provided to all Ohio residents. 51584

(2) The chancellor of higher education may authorize a 51585
state university or college or a nonpublic Ohio institution of 51586
higher education to award a choose Ohio first scholarship in the 51587
amount of not less than five hundred dollars but not more than 51588
one-half of the highest in-state undergraduate instructional and 51589
general fees charged by all state universities to a student 51590
enrolled in a certificate program designated as an eligible 51591
program by the chancellor. 51592

(3) A student receiving multiple awards under division (A) 51593
of this section may not exceed the maximum permitted amount for 51594
each individual award. 51595

(B) The general assembly intends that money appropriated 51596
for the choose Ohio first scholarship program in each fiscal 51597
year be used for scholarships in the following academic year. 51598

Sec. 3333.70. (A) The ~~director~~chancellor of higher 51599
education shall establish and administer the Ohio higher 51600
education innovation grant program to promote educational 51601
excellence and economic efficiency throughout the state in order 51602
to stabilize or reduce student tuition rates at institutions of 51603
higher education. Under the program, the ~~director~~chancellor 51604
shall award grants to state institutions of higher education, as 51605
defined in section 3345.011 of the Revised Code, and private 51606
nonprofit institutions for innovative projects that incorporate 51607
academic achievement and economic efficiencies. State 51608
institutions of higher education and private nonprofit 51609
institutions may apply for grants and initiate collaboration 51610
with other institutions of higher education, either public or 51611
private, on such projects. 51612

(B) The ~~director~~chancellor shall adopt rules to 51613
administer the program including, but not limited to, 51614
requirements that each grant application provides for all of the 51615
following: 51616

(1) A system by which to measure academic achievement and 51617
reductions in expenditures, both in funding and administration; 51618

(2) Demonstration of how the project will be sustained 51619
beyond the grant period and continue to provide substantial 51620
value and lasting impact; 51621

(3) Proof of commitment from all parties responsible for 51622
the implementation of the project; 51623

(4) Implementation of an ongoing evaluation process and 51624

improvement plans, as necessary. 51625

(C) As used in this section, "private nonprofit 51626
institution" means a nonprofit institution in this state that 51627
has a certificate of authorization pursuant to Chapter 1713. of 51628
the Revised Code. 51629

Sec. 3333.82. (A) The chancellor of higher education shall 51630
establish a clearinghouse of digital texts, interactive distance 51631
learning courses, and other distance learning courses delivered 51632
via a computer-based method offered by school districts, 51633
community schools, STEM schools, state institutions of higher 51634
education, private colleges and universities, and other 51635
nonprofit and for-profit course providers for sharing with other 51636
school districts, community schools, STEM schools, state 51637
institutions of higher education, private colleges and 51638
universities, and individuals for the fee set pursuant to 51639
section 3333.84 of the Revised Code. The chancellor shall not be 51640
responsible for the content of digital texts or courses offered 51641
through the clearinghouse; however, all such digital texts and 51642
courses shall be delivered only in accordance with technical 51643
specifications approved by the chancellor and on a common 51644
statewide platform administered by the chancellor. The 51645
chancellor may provide professional development and training on 51646
the use of the distance learning clearinghouse. 51647

The clearinghouse's distance learning program for students 51648
in grades kindergarten to twelve shall be based on the following 51649
principles: 51650

(1) All Ohio students shall have access to high quality 51651
digital texts and distance learning courses at any point in 51652
their educational careers. 51653

(2) All students shall be able to customize their education using digital texts and distance learning courses offered through the clearinghouse and no student shall be denied access to any digital text or course in the clearinghouse in which the student is eligible to enroll.

(3) Students may take distance learning courses for all or any portion of their curriculum requirements and may utilize a combination of digital texts and distance learning courses and courses taught in a traditional classroom setting.

(4) Students may earn an unlimited number of academic credits through distance learning courses.

(5) Students may take distance learning courses at any time of the calendar year.

(6) Student advancement to higher coursework shall be based on a demonstration of subject area competency instead of completion of any particular number of hours of instruction.

(B) To offer digital texts or a course through the clearinghouse, a provider shall apply to the chancellor in a form and manner prescribed by the chancellor. The application for each digital text or course shall describe the digital text or course of study in as much detail as required by the chancellor, whether an instructor is provided, the qualification and credentials of the instructor, the number of hours of instruction, and any other information required by the chancellor. The chancellor may require course providers to include in their applications information recommended by the state board of education under former section 3353.30 of the Revised Code.

(C) The chancellor shall review the technical

specifications of each application submitted under division (B) 51683
of this section. In reviewing applications, the chancellor may 51684
consult with the department of education and workforce; however, 51685
the responsibility to either approve or not approve a digital 51686
text or course for the clearinghouse belongs to the chancellor. 51687
The chancellor may request additional information from a 51688
provider that submits an application under division (B) of this 51689
section, if the chancellor determines that such information is 51690
necessary. The chancellor may negotiate changes in the proposal 51691
to offer a digital text or course, if the chancellor determines 51692
that changes are necessary in order to approve the digital text 51693
or course. 51694

(D) The chancellor shall catalog each digital text or 51695
course approved for the clearinghouse, through a print or 51696
electronic medium, displaying the following: 51697

(1) Information necessary for a student and the student's 51698
parent, guardian, or custodian and the student's school 51699
district, community school, STEM school, college, or university 51700
to decide whether to enroll in or subscribe to the course; 51701

(2) Instructions for enrolling in that digital text or 51702
course, including deadlines for enrollment. 51703

(E) Any expenses related to the installation of a course 51704
into the common statewide platform shall be borne by the course 51705
provider. 51706

(F) The chancellor may contract with an entity to perform 51707
any or all of the chancellor's duties under sections 3333.81 to 51708
3333.88 of the Revised Code. 51709

Sec. 3333.86. The chancellor of higher education may 51710
determine the manner in which a course included in the 51711

clearinghouse may be offered as an advanced standing program as 51712
defined in section 3313.6013 of the Revised Code, may be offered 51713
to students who are enrolled in nonpublic schools or are 51714
instructed at home pursuant to section ~~3321.04~~ 3321.042 of the 51715
Revised Code, or may be offered at times outside the normal 51716
school day or school week, including any necessary additional 51717
fees and methods of payment for a course so offered. 51718

Sec. 3333.87. The chancellor of higher education and the 51719
~~state board department of education and workforce jointly, and~~ 51720
~~in consultation with the director of the governor's office of~~ 51721
~~21st century education,~~ shall adopt rules in accordance with 51722
Chapter 119. of the Revised Code prescribing procedures for the 51723
implementation of sections 3333.81 to 3333.86 of the Revised 51724
Code. 51725

Sec. 3333.91. The governor's office of workforce 51726
transformation, in collaboration with the chancellor of higher 51727
education, the ~~superintendent of public instruction~~ director of 51728
education and workforce, and the department of job and family 51729
services, shall develop and submit to the appropriate federal 51730
agency a single, state unified plan required under the 51731
"Workforce Innovation and Opportunity Act," 29 U.S.C. 3101 et 51732
seq., which shall include the information required for the adult 51733
basic and literacy education program administered by the United 51734
States secretary of education and the "Carl D. Perkins 51735
Vocational and Technical Education Act," 20 U.S.C. 2301, et 51736
seq., as amended. Following the plan's initial submission to the 51737
appropriate federal agency, the governor's office of workforce 51738
transformation may update it as necessary. If the plan is 51739
updated, the governor's office of workforce transformation shall 51740
submit the updated plan to the appropriate federal agency. 51741

Sec. 3335.36. The board of trustees of the Ohio state 51742
university may employ such employees as it considers appropriate 51743
for the conduct of educational programs of OSU extension and may 51744
provide for the payment from the OSU extension fund created by 51745
section 3335.35 of the Revised Code of reasonable compensation 51746
to such employees and of reasonable expenses incurred by them in 51747
the discharge of their duties, including expenses of travel and 51748
of maintaining, equipping, and supplying their offices. 51749

The employees shall cooperate with the department of 51750
agriculture, the Ohio agricultural research and development 51751
center, the department of education and workforce, and the 51752
United States department of agriculture, for the purpose of 51753
making available the educational materials of OSU extension. The 51754
employees shall represent the university and shall conduct 51755
educational activities related to agriculture, natural 51756
resources, community development, family and consumer sciences, 51757
and 4-H programs for the citizens of this state through personal 51758
instruction, bulletins, practical demonstrations, mass media, 51759
and otherwise, subject to such rules as may be prescribed by the 51760
board of trustees of the university. The employees shall have 51761
offices provided by the county or other political subdivision in 51762
which they serve in which bulletins and other educational 51763
materials of value to the people may be consulted and through 51764
which the employees may be reached. 51765

The board of trustees of the Ohio state university may 51766
hire or use employees of OSU extension to carry out the 51767
functions and duties of a director of economic development under 51768
division (B) of section 307.07 of the Revised Code pursuant to 51769
any agreement with a county under division (A) (2) of section 51770
307.07 of the Revised Code. 51771

Sec. 3335.61. There is hereby created a brain injury 51772
advisory committee, which shall advise the brain injury program 51773
with regard to unmet needs of survivors of brain injury, 51774
development of programs for survivors and their families, 51775
establishment of training programs for health care 51776
professionals, and any other matter within the province of the 51777
brain injury program. The committee shall consist of not fewer 51778
than nineteen and not more than twenty-one members as follows: 51779

(A) Not fewer than ten and not more than twelve members 51780
appointed by the dean of the college of medicine of the Ohio 51781
state university, including all of the following: a survivor of 51782
brain injury, a relative of a survivor of brain injury, a 51783
licensed physician recommended by the Ohio chapter of the 51784
American college of emergency physicians, a licensed physician 51785
recommended by the Ohio state medical association, one other 51786
health care professional, a rehabilitation professional, an 51787
individual who represents the brain injury association of Ohio, 51788
and not fewer than three nor more than five individuals who 51789
shall represent the public; 51790

(B) The directors of the departments of health, mental 51791
health and drug addiction services, developmental disabilities, 51792
aging, and public safety; the medicaid director; the 51793
administrator of workers' compensation; the ~~superintendent of~~ 51794
~~public instruction~~ director of education and workforce; and the 51795
executive director of the opportunities for Ohioans with 51796
disabilities agency. Any of the officials specified in this 51797
division may designate an individual to serve in the official's 51798
place as a member of the committee. 51799

Terms of office of the appointed members shall be two 51800
years. Members may be reappointed. Vacancies shall be filled in 51801

the manner provided for original appointments. Any member 51802
appointed to fill a vacancy occurring prior to the expiration 51803
date of the term for which the member's predecessor was 51804
appointed shall hold office as a member for the remainder of 51805
that term. 51806

Members of the committee shall serve without compensation, 51807
but shall be reimbursed for actual and necessary expenses 51808
incurred in the performance of their duties. 51809

Sec. 3343.05. The board of trustees of Central state 51810
university shall take, keep, and maintain exclusive authority, 51811
direction, supervision, and control over the operations and 51812
conduct of such university, so as to assure for said university 51813
the best attainable results with the aid secured to it from the 51814
state. 51815

The board shall provide courses of study in accordance 51816
with the standards of the department of education and workforce, 51817
and create, establish, provide for, and maintain such 51818
industrial, vocational, agricultural, home economics, 51819
commercial, business administration, technical, and collegiate 51820
subjects leading to the bachelors degree in arts and sciences. 51821
The board may provide for other courses and degrees. 51822

Sec. 3345.06. (A) Subject to divisions (B) and (C) of this 51823
section, a graduate of the twelfth grade shall be entitled to 51824
admission without examination to any college or university which 51825
is supported wholly or in part by the state, but for 51826
unconditional admission may be required to complete such units 51827
not included in the graduate's high school course as may be 51828
prescribed, not less than two years prior to the graduate's 51829
entrance, by the faculty of the institution. 51830

(B) Beginning with the 2014-2015 academic year, each state university listed in section 3345.011 of the Revised Code, except for Central state university, Shawnee state university, and Youngstown state university, shall permit a resident of this state who entered ninth grade for the first time on or after July 1, 2010, to begin undergraduate coursework at the university only if the person has successfully completed the requirements for high school graduation prescribed in division (C) of section 3313.603 of the Revised Code, unless one of the following applies:

(1) The person has earned at least ten semester hours, or the equivalent, at a community college, state community college, university branch, technical college, or another post-secondary institution except a state university to which division (B) of this section applies, in courses that are college-credit-bearing and may be applied toward the requirements for a degree. The university shall grant credit for successful completion of those courses pursuant to any applicable articulation and transfer policy of the chancellor of higher education or any agreements the university has entered into in accordance with policies and procedures adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code. The university may count college credit that the student earned while in high school through the college credit plus program under Chapter 3365. of the Revised Code, or through other advanced standing programs, toward the requirements of division (B) (1) of this section if the credit may be applied toward a degree.

(2) The person qualified to graduate from high school under division (D) or (F) of section 3313.603 of the Revised Code and has successfully completed the topics or courses that the person lacked to graduate under division (C) of that section

at any post-secondary institution or at a summer program at the 51862
state university. A state university may admit a person for 51863
enrollment contingent upon completion of such topics or courses 51864
or summer program. 51865

(3) The person met the high school graduation requirements 51866
by successfully completing the person's individualized education 51867
program developed under section 3323.08 of the Revised Code. 51868

(4) The person is receiving or has completed the final 51869
year of instruction at home as authorized under section ~~3321.04~~ 51870
3321.042 of the Revised Code, or has graduated from a 51871
nonchartered, nonpublic school in Ohio, and demonstrates mastery 51872
of the academic content and skills in reading, writing, and 51873
mathematics needed to successfully complete introductory level 51874
coursework at an institution of higher education and to avoid 51875
remedial coursework. 51876

(5) The person is a high school student participating in 51877
the college credit plus program under Chapter 3365. of the 51878
Revised Code or another advanced standing program. 51879

(C) A state university subject to division (B) of this 51880
section may delay admission for or admit conditionally an 51881
undergraduate student who has successfully completed the 51882
requirements prescribed in division (C) of section 3313.603 of 51883
the Revised Code if the university determines the student 51884
requires academic remedial or developmental coursework. The 51885
university may delay admission pending, or make admission 51886
conditional upon, the student's successful completion of the 51887
academic remedial or developmental coursework at a university 51888
branch, community college, state community college, or technical 51889
college. 51890

(D) This section does not deny the right of a college of law, medicine, or other specialized education to require college training for admission, or the right of a department of music or other art to require particular preliminary training or talent.

Sec. 3345.061. (A) Ohio's two-year institutions of higher education are respected points of entry for students embarking on post-secondary careers and courses completed at those institutions are transferable to state universities in accordance with articulation and transfer agreements developed under sections 3333.16, 3333.161, and 3333.162 of the Revised Code.

(B) Beginning with undergraduate students who commence undergraduate studies in the 2014-2015 academic year, no state university listed in section 3345.011 of the Revised Code, except Central state university, Shawnee state university, and Youngstown state university, shall receive any state operating subsidies for any academic remedial or developmental courses for undergraduate students, including courses prescribed in division (C) of section 3313.603 of the Revised Code, offered at its main campus, except as provided in divisions (B) (1) to (4) of this section.

(1) In the 2014-2015 and 2015-2016 academic years, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than three per cent of the total undergraduate credit hours provided by the university at its main campus.

(2) In the 2016-2017 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than fifteen per cent of the first-year students who have

graduated from high school within the previous twelve months and 51921
who are enrolled in the university at its main campus, as 51922
calculated on a full-time-equivalent basis. 51923

(3) In the 2017-2018 academic year, a state university may 51924
receive state operating subsidies for academic remedial or 51925
developmental courses completed at the main campus for not more 51926
than ten per cent of the first-year students who have graduated 51927
from high school within the previous twelve months and who are 51928
enrolled in the university at its main campus, as calculated on 51929
a full-time-equivalent basis. 51930

(4) In the 2018-2019 academic year, a state university may 51931
receive state operating subsidies for academic remedial or 51932
developmental courses completed at the main campus for not more 51933
than five per cent of the first-year students who have graduated 51934
from high school within the previous twelve months and who are 51935
enrolled in the university at its main campus, as calculated on 51936
a full-time-equivalent basis. 51937

Each state university may continue to offer academic 51938
remedial and developmental courses at its main campus beyond the 51939
extent for which state operating subsidies may be paid under 51940
this division and may continue to offer such courses beyond the 51941
2018-2019 academic year. However, the main campus of a state 51942
university shall not receive any state operating subsidies for 51943
such courses above the maximum amounts permitted in this 51944
division. 51945

(C) Except as otherwise provided in division (B) of this 51946
section, beginning with students who commence undergraduate 51947
studies in the 2014-2015 academic year, state operating 51948
subsidies for academic remedial or developmental courses offered 51949
by state institutions of higher education may be paid only to 51950

Central state university, Shawnee state university, Youngstown
state university, any university branch, any community college,
any state community college, or any technical college.

(D) Each state university shall grant credit for academic
remedial or developmental courses successfully completed at an
institution described in division (C) of this section pursuant
to any applicable articulation and transfer agreements the
university has entered into in accordance with policies and
procedures adopted under section 3333.16, 3333.161, or 3333.162
of the Revised Code.

(E) The chancellor of higher education shall do all of the
following:

(1) Withhold state operating subsidies for academic
remedial or developmental courses provided by a main campus of a
state university as required in order to conform to divisions
(B) and (C) of this section;

(2) Adopt uniform statewide standards for academic
remedial and developmental courses offered by all state
institutions of higher education;

(3) Encourage and assist in the design and establishment
of academic remedial and developmental courses by institutions
of higher education;

(4) Define "academic year" for purposes of this section
and section 3345.06 of the Revised Code;

(5) Encourage and assist in the development of
articulation and transfer agreements between state universities
and other institutions of higher education in accordance with
policies and procedures adopted under sections 3333.16,
3333.161, and 3333.162 of the Revised Code.

(F) Not later than December 31, 2012, the presidents, or equivalent position, of all state institutions of higher education, or their designees, jointly shall establish uniform statewide standards in mathematics, science, reading, and writing each student enrolled in a state institution of higher education must meet to be considered in remediation-free status. The presidents also shall establish assessments, if they deem necessary, to determine if a student meets the standards adopted under this division. Each institution is responsible for assessing the needs of its enrolled students in the manner adopted by the presidents. The board of trustees or managing authority of each state institution of higher education shall adopt the remediation-free status standard, and any related assessments, into the institution's policies.

The chancellor shall assist in coordinating the work of the presidents under this division. The chancellor shall monitor the standards in mathematics, science, reading, and writing established under division (F) of this section to ensure that the standards adequately demonstrate a student's remediation-free status.

(G) Each year, not later than a date established by the chancellor, each state institution of higher education shall report to the governor, the general assembly, the chancellor, and the ~~superintendent of public instruction~~ department of education and workforce all of the following for the prior academic year:

(1) The institution's aggregate costs for providing academic remedial or developmental courses;

(2) The amount of those costs disaggregated according to the city, local, or exempted village school districts from which

the students taking those courses received their high school diplomas; 52010
52011

(3) Any other information with respect to academic remedial and developmental courses that the chancellor considers appropriate. 52012
52013
52014

(H) ~~Not Annually, not later than December 31, 2011, and~~ 52015
the thirty-first day of each December thereafter, the chancellor 52016
and the ~~superintendent of public instruction department of~~ 52017
education and workforce shall issue a report recommending 52018
policies and strategies for reducing the need for academic 52019
remediation and developmental courses at state institutions of 52020
higher education. 52021

(I) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 52022
52023
52024

Sec. 3345.062. (A) ~~Not Annually, not later than December~~ 52025
~~31, 2017, and each the~~ thirty-first day of December thereafter, 52026
the president, or equivalent position, of each state university 52027
shall issue a report regarding the remediation of students that 52028
includes all of the following: 52029

(1) The number of enrolled students that require remedial education; 52030
52031

(2) The cost of remedial coursework the state university provides; 52032
52033

(3) The specific areas of remediation provided by the state university; 52034
52035

(4) Causes for remediation. 52036

(B) Each president, or equivalent, shall present the 52037

findings of the report to the state university's board of 52038
trustees and shall submit a copy of the report to the chancellor 52039
of higher education and the ~~superintendent of public~~ 52040
~~instruction~~department of education and workforce. 52041

(C) As used in this section, "state university" has the 52042
same meaning as in section 3345.011 of the Revised Code. 52043

Sec. 3345.86. (A) As used in this section, an "eligible 52044
institution" means a community college established under Chapter 52045
3354. of the Revised Code, a university branch established under 52046
Chapter 3355. of the Revised Code, a technical college 52047
established under Chapter 3357. of the Revised Code, or a state 52048
community college established under Chapter 3358. of the Revised 52049
Code. 52050

(B) An individual who is at least twenty-two years of age 52051
and who is an eligible individual as defined in section 3317.23 52052
of the Revised Code may enroll in an eligible institution for up 52053
to two consecutive school years for the purpose of completing 52054
the requirements to earn a high school diploma. An individual 52055
enrolled under this division may elect to satisfy these 52056
requirements by successfully completing a competency-based 52057
educational program, as defined in section 3317.02 of the 52058
Revised Code, that complies with the standards adopted by the 52059
department of education and workforce under section 3317.231 of 52060
the Revised Code. 52061

The eligible institution in which the individual enrolls 52062
shall report that individual's enrollment on a full-time 52063
equivalency basis to the department. 52064

(C) (1) For each eligible institution that enrolls 52065
individuals under division (B) of this section, the department 52066

annually shall certify the enrollment and attendance, on a full-time equivalency basis, of each individual reported by the institution under that division.

(2) For each individual enrolled in an eligible institution under division (B) of this section, the department annually shall pay the institution up to \$5,000, as determined by the department based on the extent of the individual's successful completion of the graduation requirements prescribed under sections 3313.603, 3313.61, 3313.611, and 3313.614 of the Revised Code.

(D) If an individual enrolled in an eligible institution under division (B) of this section completes the requirements to earn a high school diploma, the institution shall certify the completion of those requirements to the city, local, or exempted village school district in which the individual resides. Upon receiving certification under this division, the city, local, or exempted village school district in which the individual resides shall issue a high school diploma to the individual within sixty days of receipt of the certification.

(E) An eligible institution that enrolls individuals under division (B) of this section shall be subject to the program administration standards adopted by the department under section 3317.231 of the Revised Code, as applicable.

Sec. 3353.02. (A) There is hereby created the broadcast educational media commission as an independent agency to advance education and accelerate the learning of the citizens of this state through public educational broadcasting services. The commission shall provide leadership and support in extending the knowledge of the citizens of this state by promoting access to and use of educational broadcasting services, including

educational television and radio and radio reading services. The 52097
commission also shall administer programs to provide financial 52098
and other assistance to educational television and radio and 52099
radio reading services. 52100

The commission is a body corporate and politic, an agency 52101
of the state performing essential governmental functions of the 52102
state. 52103

(B) The commission shall consist of fifteen members, 52104
eleven of whom shall be voting members. Nine of the voting 52105
members shall be representatives of the public selected from 52106
among leading citizens in the state who have demonstrated 52107
interest in educational broadcast media through service on 52108
boards or advisory councils of educational television stations, 52109
educational radio stations, educational technology agencies, or 52110
radio reading services. Of the representatives of the public, 52111
three shall be appointed by the governor with the advice and 52112
consent of the senate, three shall be appointed by the speaker 52113
of the house of representatives, and three shall be appointed by 52114
the president of the senate. Not more than two members appointed 52115
by the speaker of the house of representatives and not more than 52116
two members appointed by the president of the senate shall be of 52117
the same political party. The ~~superintendent-director of public-~~ 52118
~~instruction-education and workforce~~ or a designee of the 52119
~~superintendent-director~~ and the chancellor of ~~the Ohio board of-~~ 52120
~~regents-higher education~~ or a designee of the chancellor shall 52121
be ex officio voting members. Of the nonvoting members, two 52122
shall be members of the house of representatives appointed by 52123
the speaker of the house of representatives and two shall be 52124
members of the senate appointed by the president of the senate. 52125
The members appointed from each chamber shall not be members of 52126
the same political party. 52127

(C) Initial terms of office for appointed voting members 52128
shall be as follows: 52129

(1) For one member appointed by each of the governor, 52130
speaker of the house of representatives, and president of the 52131
senate, one year; 52132

(2) For one member appointed by each of the governor, 52133
speaker of the house of representatives, and president of the 52134
senate, two years; 52135

(3) For one member appointed by each of the governor, 52136
speaker of the house of representatives, and president of the 52137
senate, three years. At the first meeting of the commission, 52138
such members shall draw lots to determine the length of the term 52139
each member will serve. Thereafter, terms of office for such 52140
members shall be for four years. Any member who is a 52141
representative of the public may be reappointed by the member's 52142
respective appointing authority, but no such member may serve 52143
more than two consecutive four-year terms. Such a member may be 52144
removed by the member's respective appointing authority for 52145
cause. 52146

Any legislative member appointed by the speaker of the 52147
house of representatives or the president of the senate who 52148
ceases to be a member of the legislative chamber from which the 52149
member was appointed shall cease to be a member of the 52150
commission. The speaker of the house of representatives and the 52151
president of the senate may remove their respective appointments 52152
to the commission at any time. 52153

(D) Vacancies among appointed members shall be filled in 52154
the manner provided for original appointments. Any member 52155
appointed to fill a vacancy occurring prior to the expiration of 52156

the term for which the member's predecessor was appointed shall 52157
hold office for the remainder of that term. Any appointed member 52158
shall continue in office subsequent to the expiration of that 52159
member's term until the member's successor takes office or until 52160
a period of sixty days has elapsed, whichever occurs first. 52161

(E) Members of the commission shall serve without 52162
compensation. The members who are representatives of the public 52163
shall be reimbursed, pursuant to office of budget and management 52164
guidelines, for actual and necessary expenses incurred in the 52165
performance of official duties. 52166

(F) The governor shall appoint the chairperson of the 52167
commission from among the commission's public voting members. 52168
The chairperson shall serve a term of two years and may be 52169
reappointed. The commission shall elect other officers as 52170
necessary from among its voting members and shall prescribe its 52171
rules of procedure. 52172

Sec. 3365.01. As used in this chapter: 52173

(A) "Articulated credit" means post-secondary credit that 52174
is reflected on the official record of a student at an 52175
institution of higher education only upon enrollment at that 52176
institution after graduation from a secondary school. 52177

(B) "Default ceiling amount" means one of the following 52178
amounts, whichever is applicable: 52179

(1) For a participant enrolled in a college operating on a 52180
semester schedule, the amount calculated according to the 52181
following formula: 52182

$((0.83 \times \text{formula amount}) / 30)$ 52183

X number of enrolled credit hours 52184

(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:	52185
	52186
	52187
((0.83 X formula amount) / 45)	52188
X number of enrolled credit hours	52189
(C) "Default floor amount" means twenty-five per cent of the default ceiling amount.	52190
	52191
(D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of higher education to participate in the college credit plus program.	52192
	52193
	52194
	52195
(E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.	52196
	52197
	52198
(F) "Formula amount" means \$6,020.	52199
(G) "Governing entity" means any of the following:	52200
(1) A board of education of a school district;	52201
(2) A governing authority of a community school established under Chapter 3314. of the Revised Code;	52202
	52203
(3) A governing body of a STEM school established under Chapter 3326. of the Revised Code;	52204
	52205
(4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;	52206
	52207
(5) When referring to the state school for the deaf or the state school for the blind, the state board of education department of education and workforce;	52208
	52209
	52210

(6) When referring to an institution operated by the department of youth services, the superintendent of that institution. 52211
52212
52213

(H) "Home-instructed participant" means a student who has been excused from the compulsory attendance law for the purpose of home ~~instruction~~ education under section ~~3321.04~~ 3321.042 of the Revised Code, and is participating in the program established by this chapter. 52214
52215
52216
52217
52218

(I) "Maximum per participant charge amount" means one of the following amounts, whichever is applicable: 52219
52220

(1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula: 52221
52222
52223

((formula amount / 30) 52224

X number of enrolled credit hours) 52225

(2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula: 52226
52227
52228

((formula amount / 45) 52229

X number of enrolled credit hours) 52230

(J) "Nonpublic secondary school" means a chartered school for which minimum standards are prescribed by the ~~state board~~ director of education and workforce pursuant to division (D) of section 3301.07 of the Revised Code. 52231
52232
52233
52234

(K) "Number of enrolled credit hours" means the number of credit hours for a course in which a participant is enrolled during the previous term after the date on which a withdrawal 52235
52236
52237

from a course would have negatively affected the participant's 52238
transcripted grade, as prescribed by the college's established 52239
withdrawal policy. 52240

(L) "Parent" has the same meaning as in section 3313.64 of 52241
the Revised Code. 52242

(M) "Participant" means any student enrolled in a college 52243
under the program established by this chapter. 52244

(N) "Partnering college" means a college with which a 52245
public or nonpublic secondary school has entered into an 52246
agreement in order to offer the program established by this 52247
chapter. 52248

(O) "Partnering secondary school" means a public or 52249
nonpublic secondary school with which a college has entered into 52250
an agreement in order to offer the program established by this 52251
chapter. 52252

(P) "Private college" means any of the following: 52253

(1) A nonprofit institution holding a certificate of 52254
authorization pursuant to Chapter 1713. of the Revised Code; 52255

(2) An institution holding a certificate of registration 52256
from the state board of career colleges and schools and program 52257
authorization for an associate or bachelor's degree program 52258
issued under section 3332.05 of the Revised Code; 52259

(3) A private institution exempt from regulation under 52260
Chapter 3332. of the Revised Code as prescribed in section 52261
3333.046 of the Revised Code. 52262

(Q) "Public college" means a "state institution of higher 52263
education" in section 3345.011 of the Revised Code, excluding 52264
the northeast Ohio medical university. 52265

(R) "Public secondary school" means a school serving 52266
grades nine through twelve in a city, local, or exempted village 52267
school district, a joint vocational school district, a community 52268
school established under Chapter 3314. of the Revised Code, a 52269
STEM school established under Chapter 3326. of the Revised Code, 52270
a college-preparatory boarding school established under Chapter 52271
3328. of the Revised Code, the state school for the deaf, the 52272
state school for the blind, or an institution operated by the 52273
department of youth services. 52274

(S) "School year" has the same meaning as in section 52275
3313.62 of the Revised Code. 52276

(T) "Secondary grade" means any of grades nine through 52277
twelve. 52278

(U) "Standard rate" means the amount per credit hour 52279
assessed by the college for an in-state student who is enrolled 52280
in an undergraduate course at that college, but who is not 52281
participating in the college credit plus program, as prescribed 52282
by the college's established tuition policy. 52283

(V) "Transcribed credit" means post-secondary credit that 52284
is conferred by an institution of higher education and is 52285
reflected on a student's official record at that institution 52286
upon completion of a course. 52287

Sec. 3365.02. (A) There is hereby established the college 52288
credit plus program under which, beginning with the 2015-2016 52289
school year, a secondary grade student who is a resident of this 52290
state may enroll at a college, on a full- or part-time basis, 52291
and complete nonsectarian, nonremedial courses for high school 52292
and college credit. The program shall govern arrangements in 52293
which a secondary grade student enrolls in a college and, upon 52294

successful completion of coursework taken under the program, 52295
receives transcribed credit from the college. The following are 52296
not governed by the college credit plus program: 52297

(1) An agreement governing an early college high school 52298
program, provided the program meets the definition set forth in 52299
division (F) (2) of section 3313.6013 of the Revised Code and is 52300
approved by the ~~superintendent of public instruction department~~ 52301
of education and workforce and the chancellor of higher 52302
education; 52303

(2) An advanced placement course or international 52304
baccalaureate diploma course, as described in divisions (A) (2) 52305
and (3) of section 3313.6013 of the Revised Code; 52306

(3) A career-technical education program that is approved 52307
by the department ~~of education~~ under section 3317.161 of the 52308
Revised Code and grants articulated credit to students 52309
participating in that program. However, any portion of an 52310
approved program that results in the conferral of transcribed 52311
credit upon the completion of the course shall be governed by 52312
the college credit plus program. 52313

(B) Any student enrolled in a public or nonpublic 52314
secondary school in the student's ninth, tenth, eleventh, or 52315
twelfth grade; any student enrolled in a nonchartered nonpublic 52316
secondary school in the student's ninth, tenth, eleventh, or 52317
twelfth grade; and any student who has been excused from the 52318
compulsory attendance law for the purpose of home ~~instruction~~ 52319
education under section ~~3321.04~~ 3321.042 of the Revised Code and 52320
is the equivalent of a ninth, tenth, eleventh, or twelfth grade 52321
student, may participate in the program, if the student meets 52322
the applicable eligibility criteria in section 3365.03 of the 52323
Revised Code. If a nonchartered nonpublic secondary school 52324

student chooses to participate in the program, that student 52325
shall be subject to the same requirements as a home-instructed 52326
student who chooses to participate in the program under this 52327
chapter. 52328

(C) All public secondary schools and all public colleges 52329
shall participate in the program and are subject to the 52330
requirements of this chapter. Any nonpublic secondary school or 52331
private college that chooses to participate in the program shall 52332
also be subject to the requirements of this chapter. 52333

(D) The chancellor, in accordance with Chapter 119. of the 52334
Revised Code and in consultation with the ~~state superintendent~~ 52335
department, shall adopt rules governing the program. 52336

Sec. 3365.03. (A) A student enrolled in a public or 52337
nonpublic secondary school during the student's ninth, tenth, 52338
eleventh, or twelfth grade school year; a student enrolled in a 52339
nonchartered nonpublic secondary school in the student's ninth, 52340
tenth, eleventh, or twelfth grade school year; or a student who 52341
has been excused from the compulsory attendance law for the 52342
purpose of home ~~instruction~~ education under section 52343
~~3321.04~~3321.042 of the Revised Code and is the equivalent of a 52344
ninth, tenth, eleventh, or twelfth grade student, may apply to 52345
and enroll in a college under the college credit plus program. 52346

(1) In order for a public secondary school student to 52347
participate in the program, all of the following criteria shall 52348
be met: 52349

(a) The student or the student's parent shall inform the 52350
principal, or equivalent, of the student's school by the first 52351
day of April of the student's intent to participate in the 52352
program during the following school year. Any student who fails 52353

to provide the notification by the required date may not 52354
participate in the program during the following school year 52355
without the written consent of the principal, or equivalent. If 52356
a student seeks consent from the principal after failing to 52357
provide notification by the required date, the principal shall 52358
notify the department of education and workforce of the 52359
student's intent to participate within ten days of the date on 52360
which the student seeks consent. If the principal does not 52361
provide written consent, the student may appeal the principal's 52362
decision to the governing entity of the school, except for a 52363
student who is enrolled in a school district, who may appeal the 52364
decision to the district superintendent. Not later than thirty 52365
days after the notification of the appeal, the district 52366
superintendent or governing entity shall hear the appeal and 52367
shall make a decision to either grant or deny that student's 52368
participation in the program. The decision of the district 52369
superintendent or governing entity shall be final. 52370

(b) The student shall: 52371

(i) Apply to a public or a participating private college, 52372
or an eligible out-of-state college participating in the 52373
program, in accordance with the college's established procedures 52374
for admission, pursuant to section 3365.05 of the Revised Code; 52375

(ii) As a condition of eligibility, satisfy one of the 52376
following criteria: 52377

(I) Be remediation-free, in accordance with one of the 52378
assessments established under division (F) of section 3345.061 52379
of the Revised Code; 52380

(II) Meet an alternative remediation-free eligibility 52381
option, as defined by the chancellor of higher education, in 52382

consultation with the ~~superintendent of public instruction~~
department, in rules adopted under this section; 52383
52384

(III) Have participated in the program prior to ~~the~~
~~effective date of this amendment~~ September 30, 2021, and 52385
52386
qualified to participate in the program by scoring within one 52387
standard error of measurement below the remediation-free 52388
threshold for one of the assessments established under division 52389
(F) of section 3345.061 of the Revised Code and satisfying one 52390
of the conditions specified under division (A) (1) (b) (ii) (I) or 52391
(II) of this section as those divisions existed prior to ~~the~~
~~effective date of this amendment~~ September 30, 2021. 52392
52393

(iii) Meet the college's and relevant academic program's 52394
established standards for admission, enrollment, and course 52395
placement, including course-specific capacity limitations, 52396
pursuant to section 3365.05 of the Revised Code. 52397

(c) The student shall elect at the time of enrollment to 52398
participate under either division (A) or (B) of section 3365.06 52399
of the Revised Code for each course under the program. 52400

(d) The student and the student's parent shall sign a 52401
form, provided by the school, stating that they have received 52402
the counseling required under division (B) of section 3365.04 of 52403
the Revised Code and that they understand the responsibilities 52404
they must assume in the program. 52405

(2) In order for a nonpublic secondary school student, a 52406
nonchartered nonpublic secondary school student, or a home- 52407
instructed student to participate in the program, both of the 52408
following criteria shall be met: 52409

(a) The student shall meet the criteria in divisions (A) 52410
(1) (b) and (c) of this section. 52411

(b) (i) If the student is enrolled in a nonpublic secondary school, that student shall send to the ~~department of education~~ a copy of the student's acceptance from a college and an application. The application shall be made on forms provided by the ~~state board of education~~ department and shall include information about the student's proposed participation, including the school year in which the student wishes to participate; and the semesters or terms the student wishes to enroll during such year. The department shall mark each application with the date and time of receipt.

(ii) If the student is enrolled in a nonchartered nonpublic secondary school or is home-instructed, the parent or guardian of that student shall notify the department by the first day of April prior to the school year in which the student wishes to participate.

(B) Except as provided for in division (C) of this section and in sections 3365.031 and 3365.032 of the Revised Code:

(1) No public secondary school shall prohibit a student enrolled in that school from participating in the program if that student meets all of the criteria in division (A) (1) of this section.

(2) No participating nonpublic secondary school shall prohibit a student enrolled in that school from participating in the program if the student meets all of the criteria in division (A) (2) of this section and, if the student is enrolled under division (B) of section 3365.06 of the Revised Code, the student is awarded funding from the department in accordance with rules adopted by the chancellor, in consultation with the ~~superintendent of public instruction~~ department, pursuant to section 3365.071 of the Revised Code.

(C) For purposes of this section, during the period of an expulsion imposed by a public secondary school, a student is ineligible to apply to enroll in a college under this section, unless the student is admitted to another public secondary or participating nonpublic secondary school. If a student is enrolled in a college under this section at the time the student is expelled, the student's status for the remainder of the college term in which the expulsion is imposed shall be determined under section 3365.032 of the Revised Code.

(D) Upon a student's graduation from high school, participation in the college credit plus program shall not affect the student's eligibility at any public college for scholarships or for other benefits or opportunities that are available to first-time college students and are awarded by that college, regardless of the number of credit hours that the student completed under the program.

(E) The college to which a student applies to participate under this section shall pay for one assessment used to determine that student's eligibility under this section. However, notwithstanding anything to the contrary in Chapter 3365. of the Revised Code, any additional assessments used to determine the student's eligibility shall be the financial responsibility of the student.

Sec. 3365.032. (A) For purposes of this section:

(1) The "expulsion of a student" or "expelling a student" means the following:

(a) For a public secondary school that is a school operated by a city, local, exempted village, or joint vocational school district, community school established under Chapter

3314. of the Revised Code, or STEM school established under 52471
Chapter 3326. of the Revised Code, the expulsion of a student or 52472
the act of expelling a student under division (B) of section 52473
3313.66 of the Revised Code; 52474

(b) For a public secondary school that is a college- 52475
preparatory boarding school, the expulsion of a student or the 52476
act of expelling a student in accordance with the school's 52477
bylaws adopted pursuant to section 3328.13 of the Revised Code; 52478

(c) For a public secondary school that is the state school 52479
for the deaf or the state school for the blind, the expulsion of 52480
a student or the act of expelling a student in accordance with 52481
rules adopted by the ~~state board~~ department of education and 52482
workforce. 52483

(2) A "policy to deny high school credit for courses taken 52484
under the college credit plus program during an expulsion" means 52485
the following: 52486

(a) For a public secondary school that is a school 52487
operated by a city, local, exempted village, or joint vocational 52488
school district, community school established under Chapter 52489
3314. of the Revised Code, or STEM school established under 52490
Chapter 3326. of the Revised Code, a policy adopted under 52491
section 3313.613 of the Revised Code; 52492

(b) For a college-preparatory boarding school established 52493
under Chapter 3328. of the Revised Code, a policy adopted in 52494
accordance with the school's bylaws adopted pursuant to section 52495
3328.13 of the Revised Code; 52496

(c) For the state school for the deaf or the state school 52497
for the blind, a policy adopted in accordance with any rules 52498
adopted by the ~~state board~~ department requiring such a policy. 52499

(B) When a public secondary school expels a student, the superintendent, or equivalent, shall send a written notice of the expulsion to any college in which the expelled student is enrolled under section 3365.03 of the Revised Code at the time the expulsion is imposed. The notice shall indicate the date the expulsion is scheduled to expire. The notice also shall indicate whether the school has adopted a policy to deny high school credit for courses taken under the college credit plus program during an expulsion. If the expulsion is extended, the superintendent, or equivalent, shall notify the college of the extension.

(C) A college may withdraw its acceptance under section 3365.03 of the Revised Code of a student who is expelled from school. As provided in section 3365.03 of the Revised Code, regardless of whether the college withdraws its acceptance of the student for the college term in which the student is expelled, the student is ineligible to enroll in a college under that section for subsequent college terms during the period of the expulsion, unless the student enrolls in another public school or a participating nonpublic school during that period.

If a college withdraws its acceptance of an expelled student who elected either option of division (A) (1) or (2) of section 3365.06 of the Revised Code, the college shall refund tuition and fees paid by the student in the same proportion that it refunds tuition and fees to students who voluntarily withdraw from the college at the same time in the term.

If a college withdraws its acceptance of an expelled student who elected the option of division (B) of section 3365.06 of the Revised Code, the public school shall not award high school credit for the college courses in which the student

was enrolled at the time the college withdrew its acceptance, 52530
and any reimbursement under section 3365.07 of the Revised Code 52531
for the student's attendance prior to the withdrawal shall be 52532
the same as would be paid for a student who voluntarily withdrew 52533
from the college at the same time in the term. If the withdrawal 52534
results in the college's receiving no reimbursement, the college 52535
or secondary school may require the student to return or pay for 52536
any textbooks and materials it provided the student free of 52537
charge. 52538

(D) When a student who elected the option of division (B) 52539
of section 3365.06 of the Revised Code is expelled from a public 52540
school that has adopted a policy to deny high school credit for 52541
courses taken under the college credit plus program during an 52542
expulsion, that election is automatically revoked for all 52543
college courses in which the student is enrolled during the 52544
college term in which the expulsion is imposed. Any 52545
reimbursement under section 3365.07 of the Revised Code for the 52546
student's attendance prior to the expulsion shall be the same as 52547
would be paid for a student who voluntarily withdrew from the 52548
college at the same time in the term. If the revocation results 52549
in the college's receiving no reimbursement, the college or 52550
secondary school may require the student to return or pay for 52551
any textbooks and materials it provided the student free of 52552
charge. 52553

Not later than five days after receiving an expulsion 52554
notice from the superintendent, or equivalent, of a public 52555
school that has adopted a policy to deny high school credit for 52556
courses taken under the college credit plus program during an 52557
expulsion, the college shall send a written notice to the 52558
expelled student that the student's election of division (B) of 52559
section 3365.06 of the Revised Code is revoked. If the college 52560

elects not to withdraw its acceptance of the student, the 52561
student shall pay all applicable tuition and fees for the 52562
college courses and shall pay for any textbooks and materials 52563
that the college or secondary school provided to the student. 52564

Sec. 3365.033. (A) Notwithstanding anything to the 52565
contrary in Chapter 3365. of the Revised Code, any student 52566
enrolled in a public or nonpublic secondary school in the 52567
student's seventh or eighth grade; any student enrolled in a 52568
nonchartered nonpublic secondary school in the student's seventh 52569
or eighth grade; and any student who has been excused from the 52570
compulsory attendance law for the purpose of home ~~instruction~~ 52571
education under section ~~3321.04~~3321.042 of the Revised Code and 52572
is the equivalent of a seventh or eighth grade student, may 52573
participate in the college credit plus program, if the student 52574
meets the applicable eligibility criteria required of secondary 52575
grade students for participation. Participants under this 52576
section shall be subject to the same requirements as secondary 52577
grade participants under this chapter. 52578

(B) Participants under this section shall receive high 52579
school and college credit for courses taken under the program, 52580
in accordance with the option elected under section 3365.06 of 52581
the Revised Code. High school credit earned under the program 52582
shall be awarded in the same manner as for secondary grade 52583
participants. 52584

(C) If a participant under this section elects to have the 52585
college reimbursed under section 3365.07 of the Revised Code for 52586
courses taken under the program, the department shall reimburse 52587
the college in the same manner as for secondary grade 52588
participants in accordance with that section. 52589

(D) Notwithstanding section 3327.01 of the Revised Code, 52590

the parent or guardian of a participant under this section shall 52591
be responsible for any transportation for the participant 52592
related to participation in the program. 52593

Sec. 3365.034. (A) Notwithstanding anything to the 52594
contrary in the Revised Code, a student who is eligible to 52595
participate in the college credit plus program under section 52596
3365.03 or 3365.033 of the Revised Code may participate in the 52597
program during the summer term of a public or participating 52598
private college or an eligible out-of-state college 52599
participating in the program. 52600

Unless otherwise specified, if a student participates in 52601
the college credit plus program under this section, all 52602
requirements of the program shall apply. 52603

(B) (1) In order for a public secondary school student to 52604
participate under this section, the student shall meet the 52605
criteria in division (A) (1) of section 3365.03 of the Revised 52606
Code, except that the student or the student's parent shall 52607
inform the principal, or equivalent, of the student's school by 52608
the date designated by rule of the chancellor of higher 52609
education, pursuant to division (E) of this section, of the 52610
student's intent to participate in the program during the summer 52611
term. 52612

(2) In order for a nonpublic secondary school student, a 52613
nonchartered nonpublic secondary school student, or a home- 52614
instructed student to participate under this section, the 52615
student shall meet the applicable criteria in division (A) (2) of 52616
section 3365.03 of the Revised Code, except that the parent or 52617
guardian of a nonchartered nonpublic secondary school student or 52618
a home-instructed student shall notify the department of 52619
education and workforce by the date designated by rule of the 52620

chancellor of higher education, pursuant to division (E) of this section, of the student's intent to participate in the program during the summer term.

(C) If a participant under this section elects to have the college reimbursed under section 3365.07 of the Revised Code for courses taken under the program, the department shall reimburse the college in the same manner as for students who participate during the school year in accordance with that section, except that the department shall make the applicable payments each September, or as soon as possible thereafter.

(D) Notwithstanding section 3327.01 of the Revised Code, the participant or the participant's parent or guardian shall be responsible for any transportation related to participation in the program during the summer term.

(E) The chancellor of higher education, in accordance with Chapter 119. of the Revised Code and in consultation with the ~~superintendent of public instruction~~ department of education and workforce, shall adopt rules for the administration of this section. The rules shall include the dates by which the student or student's parent must provide notification of the student's intent to participate in the program during the summer term.

Sec. 3365.035. (A) As used in this section, "mature subject matter" means any course subject matter or material of a graphic, explicit, violent, or sexual nature.

(B) The department of education and workforce and the department of higher education shall jointly develop a permission slip regarding the potential for mature subject matter in a course taken through the college credit plus program. The departments shall post the permission slip in a

prominent place on their college credit plus program web sites. 52650

(C) For a student enrolled in a public, chartered 52651
nonpublic, or nonchartered nonpublic school or a home-instructed 52652
student to enroll in any college course under the college credit 52653
plus program, the parent of the student and the student shall 52654
sign and include the permission slip described in division (B) 52655
of this section within the student's application to the public 52656
college, participating private college, or eligible out-of-state 52657
college in which the student wishes to enroll. 52658

(D) Each public and participating private college and 52659
eligible out-of-state college participating in the program, upon 52660
admitting a student under the program, shall include in the 52661
college's enrollment materials the following: 52662

(1) A questionnaire for students, developed by the 52663
college, to answer in the affirmative acknowledging that the 52664
student possesses the necessary social and emotional maturity 52665
and is ready to accept the responsibility and independence that 52666
a college classroom demands and to resubmit to the college; 52667

(2) Guidance on reviewing any course materials available 52668
prior to enrolling in a course; 52669

(3) Information about the college's and the program's 52670
policies on withdrawing from or dropping a course; 52671

(4) Information about the student's right to speak with 52672
the student's high school counselor or with the academic advisor 52673
assigned to the student as prescribed in division (F) of section 52674
3365.05 of the Revised Code. 52675

(E) Each public and participating private college and 52676
eligible out-of-state college participating in the program shall 52677
include a discussion at student orientation about the potential 52678

for mature subject matter in courses taken through the program. 52679

(F) The department of education and workforce, the 52680
department of higher education, and each public and 52681
participating private college and eligible out-of-state college 52682
participating in the program shall post in a prominent place on 52683
their college credit plus program web sites the following 52684
disclaimer: 52685

"The subject matter of a course enrolled in under the 52686
college credit plus program may include mature subject matter or 52687
materials, including those of a graphic, explicit, violent, or 52688
sexual nature, that will not be modified based upon college 52689
credit plus enrollee participation regardless of where course 52690
instruction occurs." 52691

Sec. 3365.04. Each public and participating nonpublic 52692
secondary school shall do all of the following with respect to 52693
the college credit plus program: 52694

(A) Provide information about the program prior to the 52695
first day of February of each year to all students enrolled in 52696
grades six through eleven; 52697

(B) Provide counseling services to students in grades six 52698
through eleven and to their parents before the students 52699
participate in the program under this chapter to ensure that 52700
students and parents are fully aware of the possible 52701
consequences and benefits of participation. Counseling 52702
information shall include: 52703

(1) Program eligibility; 52704

(2) The process for granting academic credits; 52705

(3) Any necessary financial arrangements for tuition, 52706

textbooks, and fees;	52707
(4) Criteria for any transportation aid;	52708
(5) Available support services;	52709
(6) Scheduling;	52710
(7) Communicating the possible consequences and benefits of participation, including all of the following:	52711 52712
(a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;	52713 52714 52715
(b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;	52716 52717 52718
(c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the overall costs of, and the amount of time required for, a college education.	52719 52720 52721 52722
(8) The academic and social responsibilities of students and parents under the program;	52723 52724
(9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;	52725 52726 52727
(10) The standard packet of information for the program developed by the chancellor of higher education pursuant to section 3365.15 of the Revised Code;	52728 52729 52730
For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may	52731 52732 52733

be able to do so. 52734

(11) Information about the potential for mature subject 52735
matter, as defined in section 3365.035 of the Revised Code, in 52736
courses in which the student intends to enroll through the 52737
program and notification that courses will not be modified based 52738
upon program enrollee participation regardless of where course 52739
instruction occurs. The information shall include the permission 52740
slip described in division (B) of section 3365.035 of the 52741
Revised Code. 52742

(C) Promote the program on the school's web site, 52743
including the details of the school's current agreements with 52744
partnering colleges; 52745

(D) Schedule at least one informational session per school 52746
year to allow each participating college that is located within 52747
thirty miles of the school to meet with interested students and 52748
parents. The session shall include the benefits and consequences 52749
of participation and shall outline any changes or additions to 52750
the requirements of the program. If there are no participating 52751
colleges located within thirty miles of the school, the school 52752
shall coordinate with the closest participating college to offer 52753
an informational session. 52754

For the purposes of division (D) of this section, 52755
"participating college" shall include both of the following: 52756

(1) A partnering college; 52757

(2) Any public college, private college, or eligible out- 52758
of-state college to which both of the following apply: 52759

(a) The college participates in the college credit plus 52760
program. 52761

(b) The college submits to the public or participating nonpublic secondary school a request to attend an informational session. 52762
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(E) Implement a policy for the awarding of grades and the calculation of class standing for courses taken under division (A) (2) or (B) of section 3365.06 of the Revised Code. The policy adopted under this division shall be equivalent to the school's policy for courses taken under the advanced standing programs described in divisions (A) (2) and (3) of section 3313.6013 of the Revised Code or for other courses designated as honors courses by the school. If the policy includes awarding a weighted grade or enhancing a student's class standing for these courses, the policy adopted under this section shall also provide for these procedures to be applied to courses taken under the college credit plus program. 52765
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(F) Develop model course pathways, pursuant to section 3365.13 of the Revised Code, and publish the course pathways among the school's official list of course offerings for the program. 52777
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(G) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the ~~superintendent of public instruction~~ department of education and workforce pursuant to section 3365.15 of the Revised Code. 52781
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Sec. 3365.05. Each public and participating private college shall do all of the following with respect to the college credit plus program: 52786
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(A) Apply established standards and procedures for admission to the college and for course placement for 52789
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participants. When determining admission and course placement, 52791
the college shall do all of the following: 52792

(1) Consider all available student data that may be an 52793
indicator of college readiness, including grade point average 52794
and end-of-course examination scores, if applicable; 52795

(2) Give priority to its current students regarding 52796
enrollment in courses. However, once a participant has been 52797
accepted into a course, the college shall not displace the 52798
participant for another student. 52799

(3) Adhere to any capacity limitations that the college 52800
has established for specified courses. 52801

(B) Send written notice to the participant, the 52802
participant's parent, and the participant's secondary school, 52803
not later than fourteen calendar days prior to the first day of 52804
classes for that term, of the participant's admission to the 52805
college and to specified courses under the program. 52806

(C) Provide both of the following, not later than twenty- 52807
one calendar days after the first day of classes for that term, 52808
to each participant and the participant's secondary school: 52809

(1) The courses and hours of enrollment of the 52810
participant; 52811

(2) The option elected by the participant under division 52812
(A) or (B) of section 3365.06 of the Revised Code for each 52813
course. 52814

The college shall also provide to each partnering school a 52815
roster of participants from that school that are enrolled in the 52816
college and a list of course assignments for each participant. 52817

(D) Promote the program on the college's web site, 52818

including the details of the college's current agreements with 52819
partnering secondary schools. 52820

(E) Coordinate with each partnering secondary school that 52821
is located within thirty miles of the college to present at 52822
least one informational session per school year for interested 52823
students and parents. The session shall include the benefits and 52824
consequences of participation and shall outline any changes or 52825
additions to the requirements of the program. If there are no 52826
partnering schools located within thirty miles of the college, 52827
the college shall coordinate with the closest partnering school 52828
to offer an informational session. 52829

(F) Assign an academic advisor that is employed by the 52830
college to each participant enrolled in that college. Prior to 52831
the date on which a withdrawal from a course would negatively 52832
affect a participant's transcribed grade, as prescribed by the 52833
college's established withdrawal policy, the college shall 52834
ensure that the academic advisor and the participant meet at 52835
least once to discuss the program and the courses in which the 52836
participant is enrolled. 52837

(G) Do both of the following with regard to high school 52838
teachers that are teaching courses for the college at a 52839
secondary school under the program: 52840

(1) Provide at least one professional development session 52841
per school year; 52842

(2) Conduct at least one classroom observation per school 52843
year for each course that is authorized by the college and 52844
taught by a high school teacher to ensure that the course meets 52845
the quality of a college-level course. 52846

(H) Annually collect, report, and track specified data 52847

related to the program according to data reporting guidelines 52848
adopted by the chancellor and the ~~superintendent of public~~ 52849
~~instruction department of education and workforce~~ pursuant to 52850
section 3365.15 of the Revised Code. 52851

(I) With the exception of divisions (D) and (E) of this 52852
section, any eligible out-of-state college participating in the 52853
college credit plus program shall be subject to the same 52854
requirements as a participating private college under this 52855
section. 52856

Sec. 3365.06. The rules adopted under section 3365.02 of 52857
the Revised Code shall provide for participants to enroll in 52858
courses under either of the options prescribed by division (A) 52859
or (B) of this section. 52860

(A) The participant may elect at the time of enrollment to 52861
be responsible for payment of all tuition and the cost of all 52862
textbooks, materials, and fees associated with the course. The 52863
college shall notify the participant about payment of tuition 52864
and fees in the customary manner followed by the college. A 52865
participant electing this option also shall elect, at the time 52866
of enrollment, whether to receive only college credit or high 52867
school credit and college credit for the course. 52868

(1) The participant may elect to receive only college 52869
credit for the course. Except as provided in section 3365.032 of 52870
the Revised Code, if the participant successfully completes the 52871
course, the college shall award the participant full credit for 52872
the course, but the governing entity of a public secondary 52873
school or the governing body of a participating nonpublic 52874
secondary school shall not award the high school credit. 52875

(2) The participant may elect to receive both high school 52876

credit and college credit for the course. Except as provided in 52877
section 3365.032 of the Revised Code, if the participant 52878
successfully completes the course, the college shall award the 52879
participant full credit for the course and the governing entity 52880
of a public school or the governing body of a participating 52881
nonpublic school shall award the participant high school credit. 52882

(B) If a course is eligible for funding under rules 52883
adopted pursuant to division (C) (1) of this section, the 52884
participant may elect at the time of enrollment for the course 52885
to have the college reimbursed under section 3365.07 of the 52886
Revised Code. Except as provided in section 3365.032 of the 52887
Revised Code, if the participant successfully completes the 52888
course, the college shall award the participant full credit for 52889
the course and the governing entity of a public school or the 52890
governing body of a participating nonpublic school shall award 52891
the participant high school credit. If the participant elects to 52892
have the college reimbursed under this division, the department 52893
shall reimburse the college for the number of enrolled credit 52894
hours in accordance with section 3365.07 of the Revised Code. 52895

(C) (1) The chancellor of higher education, in consultation 52896
with the ~~superintendent of public instruction~~ department of 52897
education and workforce, shall adopt rules specifying which 52898
courses are eligible for funding under section 3365.07 of the 52899
Revised Code. 52900

The rules shall address at least the following: 52901

(a) Whether courses must be taken in a specified sequence; 52902

(b) Whether to restrict funding and limit eligibility to 52903
certain types of courses, including (i) courses that are 52904
included in the statewide articulation and transfer system, 52905

established by the chancellor pursuant to section 3333.161 of 52906
the Revised Code; (ii) courses that may be applied to multiple 52907
degree pathways or are applicable to in-demand jobs; or (iii) 52908
other types of courses; 52909

(c) Whether courses with private instruction, as defined 52910
by the chancellor, are eligible for funding. 52911

The rules also shall specify the school year for which 52912
implementation of the rules adopted pursuant to this division 52913
shall first apply. 52914

(2) In developing the rules, the chancellor, in 52915
consultation with the ~~state superintendent~~ department of 52916
education and workforce, shall establish a process to receive 52917
input from public and nonpublic secondary schools, public and 52918
private colleges, and other interested parties. 52919

(D) When determining a school district's enrollment under 52920
section 3317.03 of the Revised Code, the time a participant is 52921
attending courses under division (A) of this section shall be 52922
considered as time the participant is not attending or enrolled 52923
in school anywhere, and the time a participant is attending 52924
courses under division (B) of this section shall be considered 52925
as time the participant is attending or enrolled in the 52926
district's schools. 52927

Sec. 3365.07. The department of education and workforce 52928
shall calculate and pay state funds to colleges for participants 52929
in the college credit plus program under division (B) of section 52930
3365.06 of the Revised Code pursuant to this section. For a 52931
nonpublic secondary school participant, a nonchartered nonpublic 52932
secondary school participant, or a home-instructed participant, 52933
the department shall pay state funds pursuant to this section 52934

only if that participant is awarded funding according to rules 52935
adopted by the chancellor of higher education, in consultation 52936
with the ~~superintendent of public instruction~~ department of 52937
education and workforce, pursuant to section 3365.071 of the 52938
Revised Code. The program shall be the sole mechanism by which 52939
state funds are paid to colleges for students to earn 52940
transcripted credit for college courses while enrolled in both a 52941
secondary school and a college, with the exception of state 52942
funds paid to colleges according to an agreement described in 52943
division (A) (1) of section 3365.02 of the Revised Code. 52944

(A) For each public or nonpublic secondary school 52945
participant enrolled in a public college: 52946

(1) If no agreement has been entered into under division 52947
(A) (2) of this section, both of the following shall apply: 52948

(a) The department shall pay to the college the applicable 52949
amount as follows: 52950

(i) For a participant enrolled in a college course 52951
delivered on the college campus, at another location operated by 52952
the college, or online, the lesser of the default ceiling amount 52953
or the college's standard rate; 52954

(ii) For a participant enrolled in a college course 52955
delivered at the participant's secondary school but taught by 52956
college faculty, the lesser of fifty per cent of the default 52957
ceiling amount or the college's standard rate; 52958

(iii) For a participant enrolled in a college course 52959
delivered at the participant's secondary school and taught by a 52960
high school teacher who has met the credential requirements 52961
established for purposes of the program in rules adopted by the 52962
chancellor, the default floor amount. 52963

(b) The participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(2) The governing entity of a participant's secondary school and the college may enter into an agreement to establish an alternative payment structure for tuition, textbooks, and fees. Under such an agreement, payments for each participant made by the department shall be not less than the default floor amount, unless approved by the chancellor, and not more than either the default ceiling amount or the college's standard rate, whichever is less. The chancellor may approve an agreement that includes a payment below the default floor amount, as long as the provisions of the agreement comply with all other requirements of this chapter to ensure program quality. If no agreement is entered into under division (A) (2) of this section, both of the following shall apply:

(a) The department shall pay to the college the applicable default amounts prescribed by division (A) (1) (a) of this section, depending upon the method of delivery and instruction.

(b) In accordance with division (A) (1) (b) of this section, the participant's secondary school shall pay for textbooks, and the college shall waive payment of all other fees related to participation in the program.

(3) No participant that is enrolled in a public college shall be charged for any tuition, textbooks, or other fees related to participation in the program.

(B) For each public secondary school participant enrolled in a private college:

(1) If no agreement has been entered into under division

(B) (2) of this section, the department shall pay to the college 52993
the applicable amount calculated in the same manner as in 52994
division (A) (1) (a) of this section. 52995

(2) The governing entity of a participant's secondary 52996
school and the college may enter into an agreement to establish 52997
an alternative payment structure for tuition, textbooks, and 52998
fees. Under such an agreement, payments shall be not less than 52999
the default floor amount, unless approved by the chancellor, and 53000
not more than either the default ceiling amount or the college's 53001
standard rate, whichever is less. 53002

If an agreement is entered into under division (B) (2) of 53003
this section, both of the following shall apply: 53004

(a) The department shall make a payment to the college for 53005
each participant that is equal to the default floor amount, 53006
unless approved by the chancellor to pay an amount below the 53007
default floor amount. The chancellor may approve an agreement 53008
that includes a payment below the default floor amount, as long 53009
as the provisions of the agreement comply with all other 53010
requirements of this chapter to ensure program quality. 53011

(b) Payment for costs for the participant that exceed the 53012
amount paid by the department pursuant to division (B) (2) (a) of 53013
this section shall be negotiated by the school and the college. 53014
The agreement may include a stipulation permitting the charging 53015
of a participant. 53016

However, under no circumstances shall: 53017

(i) Payments for a participant made by the department 53018
under division (B) (2) of this section exceed the lesser of the 53019
default ceiling amount or the college's standard rate; 53020

(ii) The amount charged to a participant under division 53021

(B) (2) of this section exceed the difference between the maximum
per participant charge amount and the default floor amount; 53022
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(iii) The sum of the payments made by the department for a 53024
participant and the amount charged to that participant under 53025
division (B) (2) of this section exceed the following amounts, as 53026
applicable: 53027

(I) For a participant enrolled in a college course 53028
delivered on the college campus, at another location operated by 53029
the college, or online, the maximum per participant charge 53030
amount; 53031

(II) For a participant enrolled in a college course 53032
delivered at the participant's secondary school but taught by 53033
college faculty, one hundred twenty-five dollars; 53034

(III) For a participant enrolled in a college course 53035
delivered at the participant's secondary school and taught by a 53036
high school teacher who has met the credential requirements 53037
established for purposes of the program in rules adopted by the 53038
chancellor, one hundred dollars. 53039

(iv) A participant that is identified as economically 53040
disadvantaged according to rules adopted by the department be 53041
charged under division (B) (2) of this section for any tuition, 53042
textbooks, or other fees related to participation in the 53043
program. 53044

(C) For each nonpublic secondary school participant 53045
enrolled in a private or eligible out-of-state college, the 53046
department shall pay to the college the applicable amount 53047
calculated in the same manner as in division (A) (1) (a) of this 53048
section. Payment for costs for the participant that exceed the 53049
amount paid by the department shall be negotiated by the 53050

governing body of the nonpublic secondary school and the 53051
college. 53052

However, under no circumstances shall: 53053

(1) The payments for a participant made by the department 53054
under this division exceed the lesser of the default ceiling 53055
amount or the college's standard rate. 53056

(2) Any nonpublic secondary school participant, who is 53057
enrolled in that secondary school with a scholarship awarded 53058
under either the educational choice scholarship pilot program, 53059
as prescribed by sections 3310.01 to 3310.17, or the pilot 53060
project scholarship program, as prescribed by sections 3313.974 53061
to 3313.979 of the Revised Code, and who qualifies as a low- 53062
income student under either of those programs, be charged for 53063
any tuition, textbooks, or other fees related to participation 53064
in the college credit plus program. 53065

(D) For each nonchartered nonpublic secondary school 53066
participant and each home-instructed participant enrolled in a 53067
public, private, or eligible out-of-state college, the 53068
department shall pay to the college the lesser of the default 53069
ceiling amount or the college's standard rate, if that 53070
participant is enrolled in a college course delivered on the 53071
college campus, at another location operated by the college, or 53072
online. 53073

(E) Not later than thirty days after the end of each term, 53074
each college expecting to receive payment for the costs of a 53075
participant under this section shall notify the department of 53076
the number of enrolled credit hours for each participant. 53077

(F) The department shall make the applicable payments 53078
under this section to each college, which provided proper 53079

notification to the department under division (E) of this 53080
section, for the number of enrolled credit hours for 53081
participants enrolled in the college under division (B) of 53082
section 3365.06 of the Revised Code. Except in cases involving 53083
incomplete participant information or a dispute of participant 53084
information, payments shall be made by the last day of January 53085
for participants who were enrolled during the fall term and by 53086
the last day of July for participants who were enrolled during 53087
the spring term. The department shall not make any payments to a 53088
college under this section if a participant withdrew from a 53089
course prior to the date on which a withdrawal from the course 53090
would have negatively affected the participant's transcribed 53091
grade, as prescribed by the college's established withdrawal 53092
policy. 53093

(1) Payments made for public secondary school participants 53094
under this section shall be deducted as follows: 53095

(a) For a participant enrolled in a school district, from 53096
the school foundation payments made to the participant's school 53097
district. If the participant is enrolled in a joint vocational 53098
school district, a portion of the amount shall be deducted from 53099
the payments to the joint vocational school district and a 53100
portion shall be deducted from the payments to the participant's 53101
city, local, or exempted village school district in accordance 53102
with the full-time equivalency of the student's enrollment in 53103
each district. 53104

(b) For a participant enrolled in a community school 53105
established under Chapter 3314. of the Revised Code, from the 53106
payments made to that school under section 3317.022 of the 53107
Revised Code; 53108

(c) For a participant enrolled in a STEM school, from the 53109

payments made to that school under section 3317.022 of the Revised Code; 53110
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(d) For a participant enrolled in a college-preparatory boarding school, from the payments made to that school under section 3328.34 of the Revised Code; 53112
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(e) For a participant enrolled in the state school for the deaf or the state school for the blind, from the amount paid to that school with funds appropriated by the general assembly for support of that school; 53115
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(f) For a participant enrolled in an institution operated by the department of youth services, from the amount paid to that institution with funds appropriated by the general assembly for support of that institution. 53119
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Amounts deducted under divisions (F) (1) (a) to (f) of this section shall be calculated in accordance with rules adopted by the chancellor, in consultation with the ~~state~~ department of education and workforce, pursuant to division (B) of section 3365.071 of the Revised Code 53123
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(2) Payments made for nonpublic secondary school participants, nonchartered nonpublic secondary school participants, and home-instructed participants under this section shall be deducted from moneys appropriated by the general assembly for such purpose. Payments shall be allocated and distributed in accordance with rules adopted by the chancellor, in consultation with the ~~state superintendent~~ department of education and workforce, pursuant to division (A) of section 3365.071 of the Revised Code. 53128
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(G) Any public college that enrolls a student under division (B) of section 3365.06 of the Revised Code may include 53137
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that student in the calculation used to determine its state 53139
share of instruction funds appropriated to the department of 53140
higher education by the general assembly. 53141

Sec. 3365.071. (A) The chancellor of ~~the Ohio board of~~ 53142
~~regents~~higher education, in accordance with Chapter 119. of the 53143
Revised Code and in consultation with the ~~superintendent of~~ 53144
~~public instruction~~ department of education and workforce, shall 53145
adopt rules prescribing a method to allocate and distribute 53146
payments under section 3365.07 of the Revised Code for nonpublic 53147
secondary school participants, nonchartered nonpublic secondary 53148
school participants, and home-instructed participants. The rules 53149
shall include that payments made for nonchartered nonpublic 53150
secondary school participants be made in the same manner as 53151
payments for home-instructed participants under that section. 53152

(B) The chancellor, in consultation with the ~~state~~ 53153
~~superintendent~~ department, shall also adopt rules establishing a 53154
method to calculate the amounts deducted from a joint vocational 53155
school district and from a participant's city, local, or 53156
exempted village school district for payments under section 53157
3365.07 of the Revised Code. 53158

Sec. 3365.08. (A) No participant enrolled under this 53159
chapter in a course for which credit toward high school 53160
graduation is awarded shall receive direct financial aid through 53161
any state or federal program. 53162

(B) If a school district provides transportation for 53163
resident school students in grades eleven and twelve under 53164
section 3327.01 of the Revised Code, a parent of a participant 53165
enrolled in a course under division (A) (2) or (B) of section 53166
3365.06 of the Revised Code may apply to the board of education 53167
for full or partial reimbursement for the necessary costs of 53168

transporting the participant between the secondary school the 53169
participant attends and the college in which the participant is 53170
enrolled. Reimbursement may be paid solely from funds received 53171
by the district for student transportation under section 53172
3317.0212 of the Revised Code or other provisions of law. The 53173
~~state board~~ department of education and workforce shall 53174
establish guidelines, based on financial need, under which a 53175
district may provide such reimbursement. 53176

(C) If a community school provides or arranges 53177
transportation for its students in grades nine through twelve 53178
under section 3314.091 of the Revised Code, a parent of a 53179
participant of the community school who is enrolled in a course 53180
under division (A) (2) or (B) of section 3365.06 of the Revised 53181
Code may apply to the governing authority of the community 53182
school for full or partial reimbursement of the necessary costs 53183
of transporting the participant between the community school and 53184
the college. The governing authority may pay the reimbursement 53185
in accordance with the ~~state board's~~ department's rules adopted 53186
under division (B) of this section solely from funds paid to it 53187
under division (H) of section 3317.0212 of the Revised Code. 53188

Sec. 3365.09. (A) Except as provided for in division (C) 53189
of this section, if the superintendent, or equivalent, of a 53190
public secondary school in which a participant is enrolled 53191
determines that the participant has not attained a passing final 53192
grade in a college course in which the participant enrolled 53193
under this chapter, the superintendent, or equivalent, may seek 53194
reimbursement from the participant or the participant's parent 53195
for the amount of state funds paid to the college on behalf of 53196
the participant for that college course. The governing entity of 53197
a public school, in accordance with division (C) of section 53198
3313.642 of the Revised Code, may withhold grades and credits 53199

received by the participant for high school courses taken by the 53200
participant until the participant or the participant's parent 53201
provides reimbursement. 53202

(B) Except as provided for in division (C) of this 53203
section, if the chief administrator of a participating nonpublic 53204
school in which a participant is enrolled determines that the 53205
participant has not attained a passing final grade in a college 53206
course in which the participant enrolled under this chapter, the 53207
chief administrator may seek reimbursement from the participant 53208
or the participant's parent for the amount of state funds paid 53209
to the college on behalf of the participant for enrollment in 53210
that college course. Upon the collection of any funds from a 53211
participant or participant's parent under this division, the 53212
chief administrator of a nonpublic school shall send an amount 53213
equal to the funds collected to the ~~superintendent of public~~ 53214
instruction department of education and workforce. The 53215
~~superintendent of public instruction department~~ shall credit 53216
that amount to the general revenue fund. 53217

(C) Unless the participant was expelled by the school, the 53218
superintendent, or equivalent, or chief administrator shall not 53219
seek reimbursement from a participant or a participant's parent 53220
under division (A) or (B) of this section, if the participant is 53221
identified as economically disadvantaged according to rules 53222
adopted by the ~~department of education~~. 53223

Sec. 3365.091. (A) The chancellor of higher education, in 53224
consultation with the ~~superintendent of public instruction~~ 53225
department of education and workforce, shall adopt rules 53226
specifying the conditions under which an underperforming 53227
participant may continue to participate in the college credit 53228
plus program. 53229

The rules shall address at least the following:	53230
(1) The definition of an "underperforming participant";	53231
(2) Any additional conditions that participants with repeated underperformance must satisfy;	53232 53233
(3) The timeframe for notifying an underperforming participant who is determined to be ineligible for participation of such ineligibility;	53234 53235 53236
(4) Mechanisms available to assist underperforming participants;	53237 53238
(5) The role of school guidance counselors and college academic advisers in assisting underperforming participants;	53239 53240
(6) If an underperforming participant is determined to be ineligible for participation, any consequences that such ineligibility may have on the student's ability to complete the secondary school's graduation requirements.	53241 53242 53243 53244
The rules also shall specify the school year for which implementation of the rules adopted pursuant to division (A) of this section shall first apply.	53245 53246 53247
(B) In developing the rules pursuant to division (A) of this section, the chancellor, in consultation with the state superintendent <u>department</u> , shall establish a process to receive input from public and nonpublic secondary schools, public and private colleges, and other interested parties.	53248 53249 53250 53251 53252
Sec. 3365.10. (A) Any public or participating nonpublic secondary school or any public or participating private college may apply to the chancellor of higher education and the superintendent of public instruction <u>department of education and workforce</u> for a waiver from the requirements of the college	53253 53254 53255 53256 53257

credit plus program. The chancellor and the ~~superintendent-~~ 53258
department may grant a waiver under this section for an 53259
agreement or for a proposed agreement between a public or 53260
participating nonpublic secondary school and a public or 53261
participating private or out-of-state college, only if the 53262
agreement does both of the following: 53263

(1) Includes innovative programming proposed to 53264
exclusively address the needs of underrepresented student 53265
subgroups; 53266

(2) Meets all criteria set forth in rules adopted by the 53267
chancellor and the ~~superintendent-~~department pursuant to 53268
division (C) of this section. 53269

(B) Any waiver granted under this section shall apply only 53270
to the agreement for which the waiver is granted and shall not 53271
apply to any other agreement that the school or college enters 53272
into under this chapter. 53273

(C) The chancellor and the ~~superintendent of public-~~ 53274
~~instruction-~~department shall jointly adopt rules, in accordance 53275
with Chapter 119. of the Revised Code, regarding the granting of 53276
waivers under this section. 53277

Sec. 3365.12. (A) All courses offered under the college 53278
credit plus program shall be the same courses that are included 53279
in the partnering college's course catalogue for college-level, 53280
nonremedial courses and shall apply to at least one degree or 53281
professional certification at the partnering college. 53282

(B) (1) High school credit awarded for courses successfully 53283
completed under this chapter shall count toward the graduation 53284
requirements and subject area requirements of the public 53285
secondary school or participating nonpublic secondary school. If 53286

a course comparable to one a participant completed at a college 53287
is offered by the school, the governing entity or governing body 53288
shall award comparable credit for the course completed at the 53289
college. If no comparable course is offered by the school, the 53290
governing entity or governing body shall grant an appropriate 53291
number of elective credits to the participant. 53292

(2) If there is a dispute between a participant's school 53293
and a participant regarding high school credits granted for a 53294
course, the participant may appeal the decision to the 53295
department of education and workforce. The department's decision 53296
regarding any high school credits granted under this section is 53297
final. 53298

(C) Evidence of successful completion of each course and 53299
the high school credits awarded by the school shall be included 53300
in the student's record. The record shall indicate that the 53301
credits were earned as a participant under this chapter and 53302
shall include the name of the college at which the credits were 53303
earned. 53304

Sec. 3365.15. The chancellor of higher education and the 53305
~~superintendent of public instruction~~ department of education and 53306
workforce jointly shall do all of the following: 53307

(A) Adopt data reporting guidelines specifying the types 53308
of data that public and participating nonpublic secondary 53309
schools and public and participating private colleges, including 53310
eligible out-of-state colleges participating in the program, 53311
must annually collect, report, and track under division (G) of 53312
section 3365.04 and division (H) of section 3365.05 of the 53313
Revised Code. The types of data shall include all of the 53314
following: 53315

(1) For each secondary school and college:	53316
(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability;	53317 53318
(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled;	53319 53320 53321
(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.	53322 53323
(2) For each secondary school, the number of students who were denied participation in the program under division (A) (1) (a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of the Revised Code. Each participating nonpublic secondary school shall also include the number of students who were denied participation due to the student not being awarded funding by the department of education pursuant to section 3365.071 of the Revised Code.	53324 53325 53326 53327 53328 53329 53330 53331
(3) For each college:	53332
(a) The number of students who applied to enroll in the college under the program but were not granted admission;	53333 53334
(b) The average number of completed courses per participant;	53335 53336
(c) The average grade point average for participants in college courses under the program.	53337 53338
The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.	53339 53340 53341
(B) Annually compile the data required under division (A)	53342

of this section. Not later than the thirty-first day of December 53343
of each year, the data from the previous school year shall be 53344
posted in a prominent location on both the chancellor of higher 53345
education's and the ~~department of education's~~ department's web 53346
sites. 53347

(C) Until December 2023, submit an annual report on 53348
outcomes of the college credit plus program that are supported 53349
by empirical evidence to the governor, the president of the 53350
senate, the speaker of the house of representatives, and the 53351
chairpersons of the education committees of the senate and house 53352
of representatives. The report shall include all of the 53353
following, disaggregated by cohort: 53354

(1) Number of degrees attained; 53355

(2) Level and type of degrees attained; 53356

(3) Number of students who receive a degree in two 53357
different subject areas; 53358

(4) Time to completion of a degree, disaggregated by level 53359
and type of degree attained; 53360

(5) Time to enrollment in a graduate or doctoral degree 53361
program; 53362

(6) The number of students who participate in a study 53363
abroad course; 53364

(7) How all of the measures described in division (C) of 53365
this section compare to both: 53366

(a) The overall student population who did not participate 53367
in the college credit plus program; 53368

(b) Any similar measures compiled under the former 53369

postsecondary enrollment options program, to the extent that 53370
such data is available. 53371

The first report shall be submitted not later than 53372
December 31, 2018, and each subsequent report shall be submitted 53373
not later than the thirty-first day of December each year 53374
thereafter until December 2023. 53375

(D) Establish a college credit plus advisory committee to 53376
assist in the development of performance metrics and the 53377
monitoring of the program's progress. At least one member of the 53378
advisory committee shall be a school guidance counselor. 53379

The chancellor shall also, in consultation with the 53380
~~superintendent department~~, create a standard packet of 53381
information for the college credit plus program directed toward 53382
students and parents that are interested in the program. 53383

(E) The chancellor and the ~~state superintendent department~~ 53384
also may submit a biennial report detailing the status of the 53385
college credit plus program, including an analysis of quality 53386
assurance measures related to the program, to the governor, the 53387
president of the senate, the speaker of the house of 53388
representatives, and the chairpersons of the education 53389
committees of the senate and house of representatives. If the 53390
chancellor and ~~state superintendent the department~~ choose to 53391
jointly submit the biennial report, both of the following shall 53392
apply: 53393

(1) The report shall include only data available through 53394
the higher education information system administered by the 53395
chancellor. 53396

(2) The first report shall be submitted not later than 53397
December 31, 2017, and each subsequent report shall be submitted 53398

not later than the thirty-first day of December every two years 53399
thereafter. 53400

(F) For purposes of this section, "cohort" means a group 53401
of students who participated in the college credit plus program 53402
and who, upon graduation from high school, enroll in an Ohio 53403
institution of higher education during the same academic year. 53404

Sec. 3375.01. A state library board is hereby created to 53405
be composed of five members to be appointed by the ~~state board~~ 53406
director of education and workforce. One member shall be 53407
appointed each year for a term of five years. No one is eligible 53408
to membership on the state library board who is or has been for 53409
a year previous to appointment a member of the state board of 53410
education. A member of the state library board shall not during 53411
the member's term of office be a member of the board of library 53412
trustees for any library in any subdivision in the state. Before 53413
entering on official duties, each member shall subscribe to the 53414
official oath of office. All vacancies on the state library 53415
board shall be filled by the ~~state board of education~~ director 53416
by appointment for the unexpired term. The members shall receive 53417
no compensation, but shall be paid their actual and necessary 53418
expenses incurred in the performance of their duties or in the 53419
conduct of authorized board business, within or without the 53420
state. 53421

At its regular meeting next prior to the beginning of each 53422
fiscal biennium, the state library board shall elect a president 53423
and vice-president each of whom shall serve for two years or 53424
until a successor is elected and qualified. 53425

The state library board is responsible for the state 53426
library of Ohio and a statewide program of development and 53427
coordination of library services, and its powers include the 53428

following: 53429

(A) Maintain the state library, holding custody of books, 53430
periodicals, pamphlets, films, recordings, papers, and other 53431
materials and equipment. The board may purchase or procure from 53432
an insurance company licensed to do business in this state 53433
policies of insurance insuring the members of the board and the 53434
officers, employees, and agents of the state library against 53435
liability on account of damage or injury to persons or property 53436
resulting from any act or omission of the board members, 53437
officers, employees, and agents of the state library in their 53438
official capacity. 53439

(B) Accept, receive, administer, and expend, in accordance 53440
with the terms thereof, any moneys, materials, or other aid 53441
granted, appropriated, or made available to it for library 53442
purposes, by the United States, or any of its agencies, or by 53443
any other source, public or private; 53444

(C) Administer such funds as the general assembly may make 53445
available to it for the improvement of public library services, 53446
interlibrary cooperation, or for other library purposes; 53447

(D) Contract with other agencies, organizations, 53448
libraries, library schools, boards of education, universities, 53449
public and private, within or without the state, for library 53450
services, facilities, research, or any allied or related 53451
purpose; 53452

(E) In accordance with Chapter 119. of the Revised Code, 53453
approve, disapprove, or modify resolutions for establishment of 53454
county district libraries, and approve, disapprove, or modify 53455
resolutions to determine the boundaries of such districts, along 53456
county lines or otherwise, and approve, disapprove, or modify 53457

resolutions to redefine boundaries, along county lines or 53458
otherwise, where questions subsequently arise as a result of 53459
school district consolidations; 53460

(F) Upon consolidation of two or more school districts and 53461
in accordance with Chapter 119. of the Revised Code, define and 53462
adjust the boundaries of the new public library district 53463
resulting from such consolidation and resolve any disputes or 53464
questions pertaining to the boundaries, organization, and 53465
operation of the new library district; 53466

(G) Upon application of one or more boards of library 53467
trustees and in accordance with Chapter 119. of the Revised 53468
Code, define, amend, and adjust the boundaries of the library 53469
districts making such application and the boundaries of adjacent 53470
library districts; 53471

(H) Upon application of one or more boards of library 53472
trustees, or upon the state library board's own initiative, and 53473
in accordance with Chapter 119. of the Revised Code, define, 53474
amend, and adjust the boundaries of overlapping library 53475
districts to eliminate areas of overlap; 53476

(I) Upon application of any private corporation or library 53477
association maintaining a free public library prior to September 53478
4, 1947, and in accordance with Chapter 119. of the Revised 53479
Code, define, amend, and adjust the boundaries of a library 53480
district for the private corporation or library association for 53481
the sole purpose of preventing or eliminating areas of overlap 53482
with other library districts in relation to tax levies described 53483
in sections 5705.19, 5705.191, and 5705.21 of the Revised Code 53484
that are or may be levied in support of the private corporation 53485
or library association; 53486

(J) Certify its actions relating to boundaries authorized in this section, to boards of election, taxing authorities, the boards of trustees of libraries affected, and other appropriate bodies;

(K) Encourage and assist the efforts of libraries and local governments to develop mutual and cooperative solutions to library service problems;

(L) Recommend to the governor and to the general assembly such changes in the law as will strengthen and improve library services and operations;

(M) In accordance with Chapter 119. of the Revised Code, adopt such rules as are necessary for the carrying out of any function imposed on it by law, and provide such rules as are necessary for its government and the government of its employees. The board may delegate to the state librarian the management and administration of any function imposed on it by law.

Sec. 3701.507. (A) To assist in implementing sections 3701.503 to 3701.509 of the Revised Code, the medically handicapped children's medical advisory council created in section 3701.025 of the Revised Code shall appoint a permanent infant hearing screening subcommittee. The subcommittee shall consist of the following members:

(1) One otolaryngologist;

(2) One neonatologist;

(3) One pediatrician;

(4) One neurologist;

(5) One hospital administrator;

- | | |
|--|----------------|
| (6) Two or more audiologists who are experienced in infant hearing screening and evaluation; | 53515
53516 |
| (7) One speech-language pathologist licensed under section 4753.07 of the Revised Code; | 53517
53518 |
| (8) Two persons who are each a parent of a hearing-impaired child; | 53519
53520 |
| (9) One geneticist; | 53521 |
| (10) One epidemiologist; | 53522 |
| (11) One adult who is deaf or hearing impaired; | 53523 |
| (12) One representative from an organization for the deaf or hearing impaired; | 53524
53525 |
| (13) One family advocate; | 53526 |
| (14) One nurse from a well-baby neonatal nursery; | 53527 |
| (15) One nurse from a special care neonatal nursery; | 53528 |
| (16) One teacher of the deaf who works with infants and toddlers; | 53529
53530 |
| (17) One representative of the health insurance industry; | 53531 |
| (18) One representative of the bureau for children with medical handicaps; | 53532
53533 |
| (19) One representative of the department of education <u>and</u> <u>workforce</u> ; | 53534
53535 |
| (20) One representative of the department of medicaid; | 53536 |
| (21) Any other person the advisory council appoints. | 53537 |
| (B) The infant hearing subcommittee shall: | 53538 |

(1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;	53539 53540 53541
(2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;	53542 53543 53544
(3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following:	53545 53546 53547 53548
(a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;	53549 53550 53551 53552
(b) Identification of locations where hearing evaluations may be conducted;	53553 53554
(c) Recommendations for methods and techniques of hearing screening and hearing evaluation;	53555 53556
(d) Referral, data recording and compilation, and procedures to encourage follow-up hearing care;	53557 53558
(e) Maintenance of a register of newborns and infants who do not pass the hearing screening;	53559 53560
(f) Preparation of the information required by section 3701.506 of the Revised Code.	53561 53562
Sec. 3701.78. (A) There is hereby created the commission on minority health, consisting of twenty-one members. The governor shall appoint to the commission nine members from among health researchers, health planners, and health professionals.	53563 53564 53565 53566

The governor also shall appoint two members who are 53567
representatives of the lupus awareness and education program. 53568
The speaker of the house of representatives shall appoint to the 53569
commission two members of the house of representatives, not more 53570
than one of whom is a member of the same political party, and 53571
the president of the senate shall appoint to the commission two 53572
members of the senate, not more than one of whom is a member of 53573
the same political party. The following shall be members of the 53574
commission: the directors of health, mental health and addiction 53575
services, developmental disabilities, and job and family 53576
services, or their designees; the medicaid director, or the 53577
director's designee; and the ~~superintendent of public~~ 53578
~~instruction~~ director of education and workforce, or the 53579
~~superintendent's~~ director's designee. 53580

The commission shall elect a chairperson from among its 53581
members. 53582

Of the members appointed by the governor, five shall be 53583
appointed to initial terms of one year, and four shall be 53584
appointed to initial terms of two years. Thereafter, all members 53585
appointed by the governor shall be appointed to terms of two 53586
years. All members of the commission appointed by the speaker of 53587
the house of representatives or the president of the senate 53588
shall be nonvoting members of the commission and be appointed 53589
within thirty days after the commencement of the first regular 53590
session of each general assembly, and shall serve until the 53591
expiration of the session of the general assembly during which 53592
they were appointed. 53593

Members of the commission shall serve without 53594
compensation, but shall be reimbursed for the actual and 53595
necessary expenses they incur in the performance of their 53596

official duties. 53597

(B) The commission shall promote health and the prevention 53598
of disease among members of minority groups. Each year the 53599
commission shall distribute grants from available funds to 53600
community-based health groups to be used to promote health and 53601
the prevention of disease among members of minority groups. As 53602
used in this division, "minority group" means any of the 53603
following economically disadvantaged groups: Blacks, American 53604
Indians, Hispanics, and Orientals. The commission shall adopt 53605
and maintain rules pursuant to Chapter 119. of the Revised Code 53606
to provide for the distribution of these grants. No group shall 53607
qualify to receive a grant from the commission unless it 53608
receives at least twenty per cent of its funds from sources 53609
other than grants distributed under this section. 53610

(C) The commission may appoint such employees as it 53611
considers necessary to carry out its duties under this section. 53612
The department of health shall provide office space for the 53613
commission. 53614

(D) The commission shall meet at the call of its 53615
chairperson to conduct its official business. A majority of the 53616
voting members of the commission constitute a quorum. The votes 53617
of at least eight voting members of the commission are necessary 53618
for the commission to take any official action or to approve the 53619
distribution of grants under this section. 53620

Sec. 3705.36. Three years after the date a birth defects 53621
information system is implemented pursuant to section 3705.30 of 53622
the Revised Code, and annually thereafter, the department of 53623
health shall prepare a report regarding the birth defects 53624
information system. The department shall file the report with 53625
the governor, the president and minority leader of the senate, 53626

the speaker and minority leader of the house of representatives, 53627
the departments of developmental disabilities, education and 53628
workforce, and job and family services, the commission on 53629
minority health, and the news media. 53630

Sec. 3707.58. (A) As used in this section: 53631

(1) "Youth athlete" means an individual who wishes to 53632
practice for or compete in athletic activities organized by a 53633
youth sports organization; 53634

(2) "Youth sports organization" has the same meaning as in 53635
section 3707.51 of the Revised Code. 53636

(B) Prior to the start of each athletic season, a youth 53637
sports organization that is subject to this section may hold an 53638
informational meeting for youth athletes, parents, guardians, 53639
other persons having care or charge of a youth athlete, 53640
physicians, pediatric cardiologists, athletic trainers, and any 53641
other persons regarding the symptoms and warning signs of sudden 53642
cardiac arrest for all ages of youth athletes. 53643

(C) No youth athlete shall participate in an athletic 53644
activity organized by a youth sports organization until the 53645
youth athlete has submitted to a designated official of the 53646
youth sports organization a form signed by the youth athlete and 53647
the parent, guardian, or other person having care or charge of 53648
the youth athlete stating that the youth athlete and the parent, 53649
guardian, or other person having care or charge of the youth 53650
athlete have received and reviewed a copy of the information 53651
developed by the ~~departments~~ department of health and the 53652
department of education and workforce and posted on their 53653
respective internet web sites as required by section 3707.59 of 53654
the Revised Code. A completed form shall be submitted each 53655

calendar year to each youth sports organization that organizes 53656
an athletic activity in which the youth athlete participates. 53657

(D) No individual shall coach an athletic activity 53658
organized by a youth sports organization unless the individual 53659
has completed, on an annual basis, the sudden cardiac arrest 53660
training course approved by the department of health under 53661
division (C) of section 3707.59 of the Revised Code. 53662

(E) (1) A youth athlete shall not be allowed to participate 53663
in an athletic activity organized by a youth sports organization 53664
if either of the following is the case: 53665

(a) The youth athlete's biological parent, biological 53666
sibling, or biological child has previously experienced sudden 53667
cardiac arrest, and the youth athlete has not been evaluated and 53668
cleared for participation in an athletic activity organized by a 53669
youth sports organization by a physician authorized under 53670
Chapter 4731. of the Revised Code to practice medicine and 53671
surgery or osteopathic medicine and surgery. 53672

(b) The youth athlete is known to have exhibited syncope 53673
or fainting at any time prior to or following an athletic 53674
activity and has not been evaluated and cleared for return under 53675
division (E) (3) of this section after exhibiting syncope or 53676
fainting. 53677

(2) A youth athlete shall be removed by the youth 53678
athlete's coach from participation in an athletic activity 53679
organized by a youth sports organization if the youth athlete 53680
exhibits syncope or fainting. 53681

(3) If a youth athlete is not allowed to participate in or 53682
is removed from participation in an athletic activity organized 53683
by a youth sports organization under division (E) (1) or (2) of 53684

this section, the youth athlete shall not be allowed to return 53685
to participation until the youth athlete is evaluated and 53686
cleared for return in writing by any of the following: 53687

(a) A physician authorized under Chapter 4731. of the 53688
Revised Code to practice medicine and surgery or osteopathic 53689
medicine and surgery, including a physician who specializes in 53690
cardiology; 53691

(b) A certified nurse practitioner, clinical nurse 53692
specialist, or certified nurse-midwife who holds a certificate 53693
of authority issued under Chapter 4723. of the Revised Code. 53694

The licensed health care providers specified in divisions 53695
(E) (3) (a) and (b) of this section may consult with any other 53696
licensed or certified health care providers in order to 53697
determine whether a youth athlete is ready to return to 53698
participation. 53699

(F) A youth sports organization that is subject to this 53700
section shall establish penalties for a coach who violates the 53701
provisions of division (E) of this section. 53702

(G) (1) A youth sports organization or official, employee, 53703
or volunteer of a youth sports organization, including a coach, 53704
is not liable in damages in a civil action for injury, death, or 53705
loss to person or property allegedly arising from providing 53706
services or performing duties under this section, unless the act 53707
or omission constitutes willful or wanton misconduct. 53708

(2) This section does not eliminate, limit, or reduce any 53709
other immunity or defense that a public entity, public official, 53710
or public employee may be entitled to under Chapter 2744. or any 53711
other provision of the Revised Code or under the common law of 53712
this state. 53713

Sec. 3707.59. (A) As used in this section:	53714
(1) "Athletic activity" means both of the following:	53715
(a) An athletic activity, as defined in section 3313.5310 of the Revised Code;	53716 53717
(b) An athletic activity organized by a youth sports organization.	53718 53719
(2) "Youth athlete" and "youth sports organization" have the same meanings as in section 3707.58 of the Revised Code.	53720 53721
(B) The department of health and the department of education <u>and workforce</u> jointly shall develop and shall post on their respective internet web sites guidelines and other relevant materials to inform and educate students and youth athletes participating in or desiring to participate in an athletic activity, their parents, and their coaches about the nature and warning signs of sudden cardiac arrest. These guidelines and materials shall address the risks associated with continuing to participate in an athletic activity after experiencing one or more symptoms of sudden cardiac arrest, such as fainting, difficulty breathing, chest pains, dizziness, and an abnormal racing heart rate. In developing guidelines and other relevant materials under this division, the department of health and the department of education <u>and workforce</u> shall consult with the Ohio chapter of the American college of cardiology and with an interscholastic conference or an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events.	53722 53723 53724 53725 53726 53727 53728 53729 53730 53731 53732 53733 53734 53735 53736 53737 53738 53739
In developing guidelines and materials under this division, the departments may utilize existing materials developed by the parent heart watch organization, the sudden	53740 53741 53742

arrhythmia death syndromes foundation, and any other 53743
organizations deemed appropriate by the departments. 53744

(C) For purposes of the training required for a coach of 53745
an athletic activity under division (D) of section 3313.5310 or 53746
division (D) of section 3707.58 of the Revised Code, the 53747
department of health shall approve a sudden cardiac arrest 53748
training course offered by an outside entity. 53749

Sec. 3734.62. On and after ~~the effective date of this~~ 53750
~~section April 6, 2007,~~ no school district or educational service 53751
center established under Chapter 3311. of the Revised Code, 53752
community school established under Chapter 3314. of the Revised 53753
Code, or nonpublic school for which the ~~state board~~ director of 53754
education and workforce prescribes standards under section 53755
3301.07 of the Revised Code and no employee of such a school 53756
district, educational service center, community school, or 53757
nonpublic school shall purchase mercury or a mercury-added 53758
measuring device for classroom use. 53759

If a school district, educational service center, 53760
community school, or nonpublic school or an employee of a school 53761
district, educational service center, community school, or 53762
nonpublic school purchases mercury or a mercury-added measuring 53763
device for classroom use on or after ~~the effective date of this~~ 53764
~~section April 6, 2007,~~ in violation of this section, but 53765
properly recycles or disposes of the mercury or mercury-added 53766
measuring device upon learning of or being informed of the 53767
violation and creates and implements a mercury reduction plan, 53768
the director of environmental protection shall consider the 53769
recycling or disposal of the mercury or mercury-added measuring 53770
device and the implementation of and compliance with the mercury 53771
reduction plan as mitigating circumstances for purposes of 53772

enforcement of a violation of this section. 53773

Sec. 3737.22. (A) The fire marshal shall do all of the 53774
following: 53775

(1) Adopt the state fire code under sections 3737.82 to 53776
3737.86 of the Revised Code; 53777

(2) Enforce the state fire code; 53778

(3) Appoint assistant fire marshals who are authorized to 53779
enforce the state fire code; 53780

(4) Conduct investigations into the cause, origin, and 53781
circumstances of fires and explosions, and assist in the 53782
prosecution of persons believed to be guilty of arson or a 53783
similar crime; 53784

(5) Compile statistics concerning loss due to fire and 53785
explosion as the fire marshal considers necessary, and consider 53786
the compatibility of the fire marshal's system of compilation 53787
with the systems of other state and federal agencies and fire 53788
marshals of other states; 53789

(6) Engage in research on the cause and prevention of 53790
losses due to fire and explosion; 53791

(7) Engage in public education and informational 53792
activities which will inform the public of fire safety 53793
information; 53794

(8) Operate a fire training academy and forensic 53795
laboratory; 53796

(9) Conduct other fire safety and fire fighting training 53797
activities for the public and groups as will further the cause 53798
of fire safety; 53799

(10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code; 53800
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(11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building; 53802
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(12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates; 53807
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(13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases; 53810
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(14) Administer and enforce Chapter 3743. of the Revised Code; 53816
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(15) Develop a uniform standard for the reporting of information required to be filed under division (E) (4) of section 2921.22 of the Revised Code, and accept the reports of the information when they are filed. 53818
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(B) The fire marshal shall appoint a chief deputy fire marshal, and shall employ professional and clerical assistants as the fire marshal considers necessary. The chief deputy shall be a competent former or current member of a fire agency and possess five years of recent, progressively more responsible experience in fire inspection, fire code enforcement, and fire code management. The chief deputy, with the approval of the 53822
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director of commerce, shall temporarily assume the duties of the 53829
fire marshal when the fire marshal is absent or temporarily 53830
unable to carry out the duties of the office. When there is a 53831
vacancy in the office of fire marshal, the chief deputy, with 53832
the approval of the director of commerce, shall temporarily 53833
assume the duties of the fire marshal until a new fire marshal 53834
is appointed under section 3737.21 of the Revised Code. 53835

All employees, other than the fire marshal; the chief 53836
deputy fire marshal; the superintendent of the Ohio fire 53837
academy; the grants administrator; the fiscal officer; the 53838
executive secretary to the fire marshal; legal counsel; the 53839
pyrotechnics administrator, the chief of the forensic 53840
laboratory; the person appointed by the fire marshal to serve as 53841
administrator over functions concerning testing, license 53842
examinations, and the issuance of permits and certificates; and 53843
the chiefs of the bureaus of fire prevention, of fire and 53844
explosion investigation, of code enforcement, and of underground 53845
storage tanks shall be in the classified civil service. The fire 53846
marshal shall authorize the chief deputy and other employees 53847
under the fire marshal's supervision to exercise powers granted 53848
to the fire marshal by law as may be necessary to carry out the 53849
duties of the fire marshal's office. 53850

(C) The fire marshal shall create, in and as a part of the 53851
office of fire marshal, a fire and explosion investigation 53852
bureau consisting of a chief of the bureau and additional 53853
assistant fire marshals as the fire marshal determines necessary 53854
for the efficient administration of the bureau. The chief shall 53855
be experienced in the investigation of the cause, origin, and 53856
circumstances of fires, and in administration, including the 53857
supervision of subordinates. The chief, among other duties 53858
delegated to the chief by the fire marshal, shall be 53859

responsible, under the direction of the fire marshal, for the investigation of the cause, origin, and circumstances of fires and explosions in the state, and for assistance in the prosecution of persons believed to be guilty of arson or a similar crime.

(D) (1) The fire marshal shall create, as part of the office of fire marshal, a bureau of code enforcement consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be qualified, by education or experience, in fire inspection, fire code development, fire code enforcement, or any other similar field determined by the fire marshal, and in administration, including the supervision of subordinates. The chief is responsible, under the direction of the fire marshal, for fire inspection, fire code development, fire code enforcement, and any other duties delegated to the chief by the fire marshal.

(2) The fire marshal, the chief deputy fire marshal, the chief of the bureau of code enforcement, or any assistant fire marshal under the direction of the fire marshal, the chief deputy fire marshal, or the chief of the bureau of code enforcement may cause to be conducted the inspection of all buildings, structures, and other places, the condition of which may be dangerous from a fire safety standpoint to life or property, or to property adjacent to the buildings, structures, or other places.

(E) The fire marshal shall create, as a part of the office of fire marshal, a bureau of fire prevention consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient

administration of the bureau. The chief shall be qualified, by 53890
education or experience, to promote programs for rural and urban 53891
fire prevention and protection. The chief, among other duties 53892
delegated to the chief by the fire marshal, is responsible, 53893
under the direction of the fire marshal, for the promotion of 53894
rural and urban fire prevention and protection through public 53895
information and education programs. 53896

(F) The fire marshal shall cooperate with the director of 53897
job and family services when the director adopts rules under 53898
section 5104.052 of the Revised Code regarding fire prevention 53899
and fire safety in licensed type B family day-care homes, as 53900
defined in section 5104.01 of the Revised Code, recommend 53901
procedures for inspecting type B homes to determine whether they 53902
are in compliance with those rules, and provide training and 53903
technical assistance to the director and county directors of job 53904
and family services on the procedures for determining compliance 53905
with those rules. 53906

(G) The fire marshal, upon request of a provider of child 53907
care in a type B home that is not licensed by the director of 53908
job and family services, as a precondition of approval by the 53909
~~state board department~~ of education and workforce under section 53910
3313.813 of the Revised Code for receipt of United States 53911
department of agriculture child and adult care food program 53912
funds established under the "National School Lunch Act," 60 53913
Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall inspect the 53914
type B home to determine compliance with rules adopted under 53915
section 5104.052 of the Revised Code regarding fire prevention 53916
and fire safety in licensed type B homes. In municipal 53917
corporations and in townships where there is a certified fire 53918
safety inspector, the inspections shall be made by that 53919
inspector under the supervision of the fire marshal, according 53920

to rules adopted under section 5104.052 of the Revised Code. In 53921
townships outside municipal corporations where there is no 53922
certified fire safety inspector, inspections shall be made by 53923
the fire marshal. 53924

Sec. 3742.32. (A) The director of health shall appoint an 53925
advisory council to assist in the ongoing development and 53926
implementation of the child lead poisoning prevention program 53927
created under section 3742.31 of the Revised Code. The advisory 53928
council shall consist of the following members: 53929

(1) A representative of the department of medicaid; 53930

(2) A representative of the bureau of child care in the 53931
department of job and family services; 53932

(3) A representative of the department of environmental 53933
protection; 53934

(4) A representative of the department of education and 53935
workforce; 53936

(5) A representative of the development services agency; 53937

(6) A representative of the Ohio apartment owner's 53938
association; 53939

(7) A representative of the Ohio healthy homes network; 53940

(8) A representative of the Ohio environmental health 53941
association; 53942

(9) An Ohio representative of the American coatings 53943
association; 53944

(10) A representative from Ohio realtors; 53945

(11) A representative of the Ohio housing finance agency; 53946

(12) A physician knowledgeable in the field of lead poisoning prevention; 53947
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(13) A representative of the public. 53949

(B) The advisory council shall do both of the following: 53950

(1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation; 53951
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(2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year. 53955
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(C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code. 53958
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Sec. 3745.21. (A) There is hereby created within the environmental protection agency the environmental education council consisting of the directors of environmental protection and natural resources, and ~~the superintendent of public instruction~~ education and workforce, or their designees, as members ex officio, one member of the house of representatives to be appointed by the speaker of the house of representatives or the member's designee, one member of the senate to be appointed by the president of the senate or the member's designee, one member to be appointed by the ~~Ohio board of regents~~ chancellor of higher education who shall have experience in providing environmental education at the university or college level, and six members to be appointed by the governor with the advice and consent of the senate. Of the members appointed by the governor, two shall be from statewide environmental advocacy organizations, one shall represent the 53960
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interests of the industrial community in this state, one shall 53976
represent the interests of employers in this state with one 53977
hundred fifty or fewer employees, one shall represent municipal 53978
corporations, and one shall represent the interests of 53979
elementary and secondary school teachers in this state. Within 53980
thirty days after October 1, 1990, the appointing authorities 53981
shall make their initial appointments to the council. The 53982
initial appointment to the council by the ~~Ohio board of regents-~~ 53983
chancellor shall be for a term ending two years after October 1, 53984
1990. Of the initial appointments made to the council by the 53985
governor, three shall be for a term ending one year after 53986
October 1, 1990, and three shall be for a term ending two years 53987
after October 1, 1990. Thereafter, the terms of office of the 53988
members appointed by the ~~Ohio board of regents-~~ 53989
chancellor and the governor shall be for two years, with each term ending on 53990
the same day of the same month as the term that it succeeds. 53991
Each member shall hold office from the date of appointment until 53992
the end of the term for which the member was appointed. Members 53993
may be reappointed. Vacancies shall be filled in the manner 53994
provided for original appointments. Any member appointed to fill 53995
a vacancy occurring prior to the expiration date of the term for 53996
which the member's predecessor was appointed shall hold office 53997
as a member of the board of trustees for the remainder of that 53998
term. A member of the council appointed by the ~~Ohio board of-~~ 53999
~~regents-~~chancellor or the governor shall continue in office 54000
subsequent to the expiration date of the member's term until the 54001
member's successor takes office or until a period of sixty days 54002
has elapsed, whichever occurs first. 54003

The council shall hold at least two regular, semiannual 54004
meetings each year. Special meetings may be held at the behest 54005
of the chairperson or a majority of the members. The director of 54006

environmental protection shall serve as the chairperson of the 54007
council. The council annually shall select from among its 54008
members a vice-chairperson and a secretary to keep a record of 54009
its proceedings. A majority vote of the members of the council 54010
is necessary to take action on any matter. 54011

Serving as a member of the council does not constitute 54012
holding a public office or a position of employment under the 54013
laws of this state and does not constitute grounds for the 54014
removal of public officers or employees from their offices or 54015
positions of employment. The ~~Ohio board of regents~~ chancellor 54016
may at any time remove a member of the council appointed by ~~it~~ 54017
the chancellor for misfeasance, malfeasance, or nonfeasance in 54018
office. The governor may at any time remove a member of the 54019
council appointed by the governor for misfeasance, malfeasance, 54020
or nonfeasance in office. 54021

Members of the council appointed by the ~~Ohio board of~~ 54022
~~regents~~ chancellor and the governor shall serve without 54023
compensation. Members of the council shall be reimbursed for 54024
their actual and necessary expenses incurred in the performance 54025
of their duties as members of the council from moneys credited 54026
to the environmental education fund created in section 3745.22 54027
of the Revised Code. 54028

(B) The council shall advise and assist the director of 54029
environmental protection in the implementation and 54030
administration of section 3745.22 of the Revised Code and shall 54031
review and comment on all expenditures from the fund proposed by 54032
the director. 54033

(C) The council may adopt bylaws for the regulation and 54034
conduct of the council's affairs and may propose to the director 54035
of environmental protection expenditures from the fund. 54036

Sec. 3781.106. (A) As used in this section:	54037
(1) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, or a school located in this state that possesses a certificate of registration and one or more program authorizations issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code.	54038 54039 54040 54041 54042 54043 54044 54045 54046
(2) "Nonresidential building" means a building or structure, or part of a building or structure, not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences, or erections thereon or therein. "Nonresidential building" does not include an institution of higher education, private school, or public school, as defined in this section.	54047 54048 54049 54050 54051 54052 54053 54054
(3) "Owner" means an individual or entity possessing title to a nonresidential building or an authorized agent of the owner.	54055 54056 54057
(4) "Private school" means a chartered nonpublic school or a nonchartered nonpublic school.	54058 54059
(5) "Public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, and any college-preparatory boarding school established under Chapter 3328. of the Revised Code.	54060 54061 54062 54063 54064 54065

(6) "School building" means a structure used for the instruction of students by a public or private school or institution of higher education.

(B) (1) The board of building standards shall adopt rules, in accordance with Chapter 119. of the Revised Code, for the use of a device by a staff member of a public or private school or institution of higher education that prevents both ingress and egress through a door in a school building, for a finite period of time, in an emergency situation, and during active shooter drills. The rules shall provide that the use of a device is permissible only if the device requires minimal steps to remove it after it is engaged.

The rules shall provide that the administrative authority of a building notify the police chief, or equivalent, of the law enforcement agency that has jurisdiction over the building, and the fire chief, or equivalent, of the fire department that serves the political subdivision in which the building is located, prior to the use of such devices in a building.

The rules may require that the device be visible from the exterior of the door.

(2) The device described in division (B) (1) of this section shall not be permanently mounted to the door.

(3) Each public and private school and institution of higher education shall provide its staff members in-service training on the use of the device described in division (B) (1) of this section. The school shall maintain a record verifying this training on file.

(4) In consultation with the ~~state board~~ department of education and workforce and the chancellor of higher education,

the board shall determine and include in the rules a definition 54095
of "emergency situation." These rules shall apply to both 54096
existing and new school buildings. 54097

(C) (1) The board of building standards shall adopt rules, 54098
in accordance with Chapter 119. of the Revised Code, for the use 54099
of a device by the owner, or a person authorized by the owner, 54100
of a nonresidential building that prevents both ingress and 54101
egress through a door in the building, for a finite period of 54102
time, in an emergency situation, and during active shooter 54103
drills. The rules shall provide that the use of a device is 54104
permissible only if the device requires minimal steps to remove 54105
it after it is engaged. 54106

The rules shall require the owner of a building notify the 54107
police chief, or equivalent, of the law enforcement agency that 54108
has jurisdiction over the building, and the fire chief, or 54109
equivalent, of the fire department that serves the political 54110
subdivision in which the building is located, prior to the use 54111
of such devices in a building. 54112

The rules may require that the device be visible from the 54113
exterior of the door. 54114

(2) The device described in division (C) (1) of this 54115
section shall not be permanently mounted to the door. 54116

(3) Each owner of a nonresidential building shall provide 54117
any person that may use the device described in division (C) (1) 54118
of this section training on the use of the device. The owner of 54119
the building shall maintain a record verifying this training on 54120
file. 54121

(4) The board shall determine and include in the rules a 54122
definition of "emergency situation" for purposes of division (C) 54123

(1) of this section. These rules shall apply to both existing 54124
and new nonresidential buildings. 54125

(D) Any provision of the state fire code that is in 54126
conflict with this section or section 3737.84 of the Revised 54127
Code is unenforceable. 54128

Sec. 3781.11. (A) The rules of the board of building 54129
standards shall: 54130

(1) For nonresidential buildings, provide uniform minimum 54131
standards and requirements, and for residential buildings, 54132
provide standards and requirements that are uniform throughout 54133
the state, for construction and construction materials, 54134
including construction of industrialized units, to make 54135
residential and nonresidential buildings safe and sanitary as 54136
defined in section 3781.06 of the Revised Code; 54137

(2) Formulate such standards and requirements, so far as 54138
may be practicable, in terms of performance objectives, so as to 54139
make adequate performance for the use intended the test of 54140
acceptability; 54141

(3) Permit, to the fullest extent feasible, the use of 54142
materials and technical methods, devices, and improvements, 54143
including the use of industrialized units which tend to reduce 54144
the cost of construction and erection without affecting minimum 54145
requirements for the health, safety, and security of the 54146
occupants or users of buildings or industrialized units and 54147
without preferential treatment of types or classes of materials 54148
or products or methods of construction; 54149

(4) Encourage, so far as may be practicable, the 54150
standardization of construction practices, methods, equipment, 54151
material, and techniques, including methods employed to produce 54152

industrialized units; 54153

(5) Not require any alteration or repair of any part of a 54154
school building owned by a chartered nonpublic school or a city, 54155
local, exempted village, or joint vocational school district and 54156
operated in conjunction with any primary or secondary school 54157
program that is not being altered or repaired if all of the 54158
following apply: 54159

(a) The school building meets all of the applicable 54160
building code requirements in existence at the time of the 54161
construction of the building. 54162

(b) The school building otherwise satisfies the 54163
requirements of section 3781.06 of the Revised Code. 54164

(c) The part of the school building altered or repaired 54165
conforms to all rules of the board existing on the date of the 54166
repair or alteration. 54167

(6) Not require any alteration or repair to any part of a 54168
workshop or factory that is not otherwise being altered, 54169
repaired, or added to if all of the following apply: 54170

(a) The workshop or factory otherwise satisfies the 54171
requirements of section 3781.06 of the Revised Code. 54172

(b) The part of the workshop or factory altered, repaired, 54173
or added conforms to all rules of the board existing on the date 54174
of plan approval of the repair, alteration, or addition. 54175

(B) The rules of the board shall supersede and govern any 54176
order, standard, or rule of the division of industrial 54177
compliance in the department of commerce, division of the state 54178
fire marshal, the department of health, and of counties and 54179
townships, in all cases where such orders, standards, or rules 54180

are in conflict with the rules of the board, except that rules 54181
adopted and orders issued by the state fire marshal pursuant to 54182
Chapter 3743. of the Revised Code prevail in the event of a 54183
conflict. 54184

(C) The construction, alteration, erection, and repair of 54185
buildings including industrialized units, and the materials and 54186
devices of any kind used in connection with them and the heating 54187
and ventilating of them and the plumbing and electric wiring in 54188
them shall conform to the statutes of this state or the rules 54189
adopted and promulgated by the board, and to provisions of local 54190
ordinances not inconsistent therewith. Any building, structure, 54191
or part thereof, constructed, erected, altered, manufactured, or 54192
repaired not in accordance with the statutes of this state or 54193
with the rules of the board, and any building, structure, or 54194
part thereof in which there is installed, altered, or repaired 54195
any fixture, device, and material, or plumbing, heating, or 54196
ventilating system, or electric wiring not in accordance with 54197
such statutes or rules is a public nuisance. 54198

(D) As used in this section: 54199

(1) "Nonpublic school" means a chartered school for which 54200
minimum standards are prescribed by the ~~state board~~ director of 54201
education and workforce pursuant to division (D) of section 54202
3301.07 of the Revised Code. 54203

(2) "Workshop or factory" includes manufacturing, 54204
mechanical, electrical, mercantile, art, and laundering 54205
establishments, printing, telegraph, and telephone offices, 54206
railroad depots, and memorial buildings, but does not include 54207
hotels and tenement and apartment houses. 54208

Sec. 3798.01. As used in this chapter: 54209

(A) "Administrative safeguards," "physical safeguards,"	54210
and "technical safeguards" have the same meanings as in 45	54211
C.F.R. 164.304.	54212
(B) "Covered entity," "disclosure," "health care	54213
provider," "health information," "individually identifiable	54214
health information," "protected health information," and "use"	54215
have the same meanings as in 45 C.F.R. 160.103.	54216
(C) "Designated record set" has the same meaning as in 45	54217
C.F.R. 164.501.	54218
(D) "Direct exchange" means the activity of electronic	54219
transmission of health information through a direct connection	54220
between the electronic record systems of health care providers	54221
without the use of a health information exchange.	54222
(E) "Health care component" and "hybrid entity" have the	54223
same meanings as in 45 C.F.R. 164.103.	54224
(F) "Health information exchange" means any person or	54225
governmental entity that provides in this state a technical	54226
infrastructure to connect computer systems or other electronic	54227
devices used by covered entities to facilitate the secure	54228
transmission of health information. "Health information	54229
exchange" excludes health care providers engaged in direct	54230
exchange, including direct exchange through the use of a health	54231
information service provider.	54232
(G) "HIPAA privacy rule" means the standards for privacy	54233
of individually identifiable health information in 45 C.F.R.	54234
part 160 and in 45 C.F.R. part 164, subparts A and E.	54235
(H) "Interoperability" means the capacity of two or more	54236
information systems to exchange information in an accurate,	54237
effective, secure, and consistent manner.	54238

(I) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director under section 3798.13 of the Revised Code.

(J) "More stringent" has the same meaning as in 45 C.F.R. 160.202.

(K) "Personal representative" means a person who has authority under applicable law to make decisions related to health care on behalf of an adult or emancipated minor, or the parent, legal guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor. "Personal representative" does not include the parent or legal guardian of, or another person acting in loco parentis to, a minor who consents to the minor's own receipt of health care or a minor who makes medical decisions on the minor's own behalf pursuant to law, court approval, or because the minor's parent, legal guardian, or other person acting in loco parentis has assented to an agreement of confidentiality between the provider and the minor.

(L) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities in a geographic area smaller than that of the state.

(M) "State agency" means any one or more of the following:

- (1) The department of administrative services;
- (2) The department of aging;
- (3) The department of mental health and addiction services;

(4) The department of developmental disabilities;	54268
(5) The department of education <u>and workforce</u> ;	54269
(6) The department of health;	54270
(7) The department of insurance;	54271
(8) The department of job and family services;	54272
(9) The department of medicaid;	54273
(10) The department of rehabilitation and correction;	54274
(11) The department of youth services;	54275
(12) The bureau of workers' compensation;	54276
(13) The opportunities for Ohioans with disabilities agency;	54277 54278
(14) The office of the attorney general;	54279
(15) A health care licensing board created under Title XLVII of the Revised Code that possesses individually identifiable health information.	54280 54281 54282
Sec. 4109.01. As used in this chapter:	54283
(A) "Employ" means to permit or suffer to work.	54284
(B) "Employer" means the state, its political subdivisions, and every person who employs any individual.	54285 54286
(C) "Enforcement official" means the director of commerce or the director's authorized representative, the superintendent of public instruction <u>director of education and workforce</u> or the superintendent's <u>director's</u> authorized representative, any school attendance officer, any probation officer, the director of health or the director of health's authorized representative,	54287 54288 54289 54290 54291 54292

and any representative of a local department of health.	54293
(D) "Minor" means any person less than eighteen years of age.	54294 54295
(E) "Seasonal amusement or recreational establishment" means both of the following:	54296 54297
(1) An amusement or recreational establishment that does not operate for more than seven months in any calendar year;	54298 54299
(2) An amusement or recreational establishment whose average receipts for any six months during the preceding calendar year were not more than thirty-three and one-third per cent of its average receipts for the other six months of that calendar year.	54300 54301 54302 54303 54304
Sec. 4109.06. (A) This chapter does not apply to the following:	54305 54306
(1) Minors who are students working on any properly guarded machines in the manual training department of any school when the work is performed under the personal supervision of an instructor;	54307 54308 54309 54310
(2) Students participating in a career-technical or STEM program approved by the Ohio department of education <u>and</u> <u>workforce</u> or students participating in any eligible classes through the college credit plus program established under Chapter 3365. of the Revised Code that include a state-recognized pre-apprenticeship program that imparts the skills and knowledge needed for successful participation in a registered apprenticeship occupation course;	54311 54312 54313 54314 54315 54316 54317 54318
(3) A minor participating in a play, pageant, or concert produced by an outdoor historical drama corporation, a	54319 54320

professional traveling theatrical production, a professional 54321
concert tour, or a personal appearance tour as a professional 54322
motion picture star, or as an actor or performer in motion 54323
pictures or in radio or television productions in accordance 54324
with the rules adopted pursuant to division (A) of section 54325
4109.05 of the Revised Code; 54326

(4) The participation, without remuneration of a minor and 54327
with the consent of a parent or guardian, in a performance given 54328
by a church, school, or academy, or at a concert or 54329
entertainment given solely for charitable purposes, or by a 54330
charitable or religious institution; 54331

(5) Minors who are employed by their parents in 54332
occupations other than occupations prohibited by rule adopted 54333
under this chapter; 54334

(6) Minors engaged in the delivery of newspapers to the 54335
consumer; 54336

(7) Minors who have received a high school diploma or a 54337
certificate of attendance from an accredited secondary school or 54338
a certificate of high school equivalence; 54339

(8) Minors who are currently heads of households or are 54340
parents contributing to the support of their children; 54341

(9) Minors engaged in lawn mowing, snow shoveling, and 54342
other related employment; 54343

(10) Minors employed in agricultural employment in 54344
connection with farms operated by their parents, grandparents, 54345
or guardians where they are members of the guardians' household. 54346
Minors are not exempt from this chapter if they reside in 54347
agricultural labor camps as defined in section 3733.41 of the 54348
Revised Code; 54349

(11) Students participating in a program to serve as precinct officers as authorized by section 3501.22 of the Revised Code. 54350
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(B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to the following: 54353
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(1) Minors who work in a sheltered workshop operated by a county board of developmental disabilities; 54355
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(2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals provided to the minor; 54357
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(3) Minors who are employed in agricultural employment and who do not reside in agricultural labor camps. 54361
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(C) Division (D) of section 4109.07 of the Revised Code does not apply to minors who have their employment hours established as follows: 54363
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(1) A minor adjudicated to be an unruly child or delinquent child who, as a result of the adjudication, is placed on probation may either file a petition in the juvenile court in whose jurisdiction the minor resides, or apply to the superintendent or to the chief administrative officer who issued the minor's age and schooling certificate pursuant to section 3331.01 of the Revised Code, alleging the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code will cause a substantial hardship or are not in the minor's best interests. Upon receipt of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, shall consult with the person required to supervise the minor on probation. If after 54366
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that consultation, the court, the superintendent, or the chief administrative officer finds the minor has failed to show the restrictions will result in a substantial hardship or that the restrictions are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall uphold the restrictions. If after that consultation, the court, the superintendent, or the chief administrative officer finds the minor has shown the restricted hours will cause a substantial hardship or are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall establish differing hours of employment for the minor and notify the minor and the minor's employer of those hours, which shall be binding in lieu of the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code.

(2) Any minor to whom division (C)(1) of this section does not apply may either file a petition in the juvenile court in whose jurisdiction the person resides, or apply to the superintendent or to the chief administrative officer who issued the minor's age and schooling certificate pursuant to section 3331.01 of the Revised Code, alleging the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code will cause a substantial hardship or are not in the minor's best interests.

If, as a result of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, finds the minor has failed to show such restrictions will result in a substantial hardship or that the restrictions are not in the minor's best interests, the court, the superintendent, or the chief administrative officer shall uphold the restrictions. If the court, the superintendent, or

the chief administrative officer finds the minor has shown the 54410
restricted hours will cause a substantial hardship or are not in 54411
the minor's best interests, the court, the superintendent, or 54412
the chief administrative officer shall establish the hours of 54413
employment for the minor and shall notify the minor and the 54414
minor's employer of those hours. 54415

(D) Section 4109.03, divisions (A) and (C) of section 54416
4109.02, and division (B) of section 4109.08 of the Revised Code 54417
do not apply to minors who are sixteen or seventeen years of age 54418
and who are employed at a seasonal amusement or recreational 54419
establishment. 54420

(E) As used in this section, "certificate of high school 54421
equivalence" means either: 54422

(1) A statement issued by the department of education and 54423
workforce that the holder of the statement has achieved the 54424
equivalent of a high school education as measured by scores 54425
obtained on a high school equivalency test approved by the 54426
department pursuant to division (B) of section 3301.80 of the 54427
Revised Code; 54428

(2) A statement issued by a primary-secondary education or 54429
higher education agency of another state that the holder of the 54430
statement has achieved the equivalent of a high school education 54431
as measured by scores obtained on a similar nationally 54432
recognized high school equivalency test. 54433

Sec. 4109.07. (A) No person under sixteen years of age 54434
shall be employed: 54435

(1) During school hours except where specifically 54436
permitted by this chapter; 54437

(2) Before seven a.m.; 54438

(3) After nine p.m. from the first day of June to the first day of September or during any school holiday of five school days or more duration, or after seven p.m. at any other time;	54439 54440 54441 54442
(4) For more than three hours a day in any school day;	54443
(5) For more than eighteen hours in any week while school is in session;	54444 54445
(6) For more than eight hours in any day which is not a school day;	54446 54447
(7) For more than forty hours in any week that school is not in session.	54448 54449
(B) No person under sixteen years of age may be employed more than forty hours in any one week nor during school hours unless employment is incidental to bona fide programs of vocational cooperative training, work-study, or other work-oriented programs with the purpose of educating students, and the program meets standards established by the state board <u>department of education and workforce.</u>	54450 54451 54452 54453 54454 54455 54456
(C) No employer shall employ a minor more than five consecutive hours without allowing the minor a rest period of at least thirty minutes. The rest period need not be included in the computation of the number of hours worked by the minor.	54457 54458 54459 54460
(D) No person sixteen or seventeen years of age who is required to attend school under Chapter 3321. of the Revised Code shall be employed:	54461 54462 54463
(1) Before seven a.m. on any day that school is in session, except such person may be employed after six a.m. if the person was not employed after eight p.m. the previous night;	54464 54465 54466

(2) After eleven p.m. on any night preceding a day that school is in session. 54467
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(E) As used in this section, "school" refers to either a school the child actually attends or a school he is required to attend pursuant to Chapter 3321. of the Revised Code. 54469
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Sec. 4109.22. (A) As used in this section: 54472

(1) "Manufacturing occupation" means employment that consists of the mechanical, physical, or chemical transformation of materials, substances, or components into new products for sale, including the assembling of component parts into a finished product. 54473
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(2) Notwithstanding the definition of "employer" in section 4109.01 of the Revised Code, "employer" means every person who employs any individual in a manufacturing occupation. 54478
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(B) There is hereby created the manufacturing mentorship program to expose minors who are sixteen or seventeen years of age to manufacturing occupations in this state through temporary employment with an employer. An employer employing a minor under the mentorship program shall do all of the following: 54481
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(1) Determine the duration of the minor's employment; 54486

(2) Assign the minor a mentor to provide direct and close supervision while the minor is engaged in any workplace activity; 54487
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(3) Provide the minor with the training described in division (C) of this section; 54490
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(4) Encourage the minor to participate in a career-technical education program approved by the department of education and workforce if the minor is not participating in a 54492
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career-technical education program when the minor begins 54495
employment; 54496

(5) Comply with all applicable state and federal laws and 54497
regulations relating to the employment of minors. 54498

(C) (1) An employer employing a minor who is sixteen or 54499
seventeen years of age in a manufacturing occupation under the 54500
mentorship program shall provide the minor with training that 54501
includes all of the following: 54502

(a) A ten-hour course in general industry safety and 54503
health hazard recognition and prevention approved by the 54504
occupational safety and health administration of the United 54505
States department of labor; 54506

(b) Instructions on how to operate the specific tools the 54507
minor will use during the minor's employment; 54508

(c) The general safety and health hazards to which the 54509
minor may be exposed at the minor's workplace; 54510

(d) The value of safety and management commitment; 54511

(e) Information on the employer's drug testing policy. 54512

(2) For purposes of division (C) (1) (a) of this section, a 54513
minor may participate in a thirty-hour course in general 54514
industry safety and health hazard recognition and prevention 54515
approved by the occupational safety and health administration if 54516
the minor has already successfully completed a ten-hour course. 54517

(3) The employer shall pay any costs associated with 54518
providing the training required by division (C) (1) or permitted 54519
under division (C) (2) of this section. 54520

(4) An employer is not required to provide the training 54521

described in division (C) (1) or (2) of this section if the minor 54522
presents proof of completing the training during the six-month 54523
period immediately before beginning employment with the 54524
employer. 54525

(D) The director of commerce, in consultation with 54526
employers, shall adopt rules in accordance with Chapter 119. of 54527
the Revised Code specifying a list of the tools that a minor who 54528
is sixteen or seventeen years of age who is employed under the 54529
mentorship program may operate during the minor's employment in 54530
a manufacturing occupation. The director shall use the manual 54531
issued by the wage and hour division of the United States 54532
department of labor titled "field operations handbook" or its 54533
successor for guidance in developing the list. Nothing in this 54534
division requires the director to include a tool on the list if 54535
the orders issued pursuant to the "Fair Labor Standards Act of 54536
1938," 29 U.S.C. 201, et seq., and section 4109.05 of the 54537
Revised Code or rules adopted under that section specifically 54538
permit minors of that age to operate the tool. 54539

(E) A minor who is sixteen or seventeen years of age who 54540
is employed by an employer under the mentorship program may work 54541
in any manufacturing occupation not denied by law to minors of 54542
that age under section 4109.05 of the Revised Code or rules 54543
adopted under that section. 54544

(F) No employer shall do either of the following: 54545

(1) Permit a minor who is sixteen or seventeen years of 54546
age to operate a tool minors of that age are permitted to 54547
operate pursuant to the rules adopted under division (D) of this 54548
section unless the minor is employed by the employer under the 54549
mentorship program; 54550

(2) Permit a minor who is sixteen or seventeen years of age who is employed by the employer under the mentorship program to operate a tool prohibited for use by minors of that age pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., and section 4109.05 of the Revised Code or rules adopted under that section.

Sec. 4112.04. (A) The commission shall do all of the following:

(1) Establish and maintain a principal office in the city of Columbus and any other offices within the state that it considers necessary;

(2) Appoint an executive director who shall serve at the pleasure of the commission and be its principal administrative officer. The executive director shall be paid a salary fixed pursuant to Chapter 124. of the Revised Code.

(3) Appoint hearing examiners and other employees and agents who it considers necessary and prescribe their duties subject to Chapter 124. of the Revised Code;

(4) Adopt, promulgate, amend, and rescind rules to effectuate the provisions of this chapter and the policies and practice of the commission in connection with this chapter;

(5) Formulate policies to effectuate the purposes of this chapter and make recommendations to agencies and officers of the state or political subdivisions to effectuate the policies;

(6) Receive, investigate, and pass upon written charges made under oath of unlawful discriminatory practices;

(7) Make periodic surveys of the existence and effect of discrimination because of race, color, religion, sex, military

status, familial status, national origin, disability, age, or 54579
ancestry on the enjoyment of civil rights by persons within the 54580
state; 54581

(8) Report, from time to time, but not less than once a 54582
year, to the general assembly and the governor, describing in 54583
detail the investigations, proceedings, and hearings it has 54584
conducted and their outcome, the decisions it has rendered, and 54585
the other work performed by it, which report shall include a 54586
copy of any surveys prepared pursuant to division (A) (7) of this 54587
section and shall include the recommendations of the commission 54588
as to legislative or other remedial action; 54589

(9) Prepare a comprehensive educational program, in 54590
cooperation with the department of education and workforce, for 54591
the students of the public schools of this state and for all 54592
other residents of this state that is designed to eliminate 54593
prejudice on the basis of race, color, religion, sex, military 54594
status, familial status, national origin, disability, age, or 54595
ancestry in this state, to further good will among those groups, 54596
and to emphasize the origin of prejudice against those groups, 54597
its harmful effects, and its incompatibility with American 54598
principles of equality and fair play; 54599

(10) Receive progress reports from agencies, 54600
instrumentalities, institutions, boards, commissions, and other 54601
entities of this state or any of its political subdivisions and 54602
their agencies, instrumentalities, institutions, boards, 54603
commissions, and other entities regarding affirmative action 54604
programs for the employment of persons against whom 54605
discrimination is prohibited by this chapter, or regarding any 54606
affirmative housing accommodations programs developed to 54607
eliminate or reduce an imbalance of race, color, religion, sex, 54608

military status, familial status, national origin, disability, 54609
or ancestry. All agencies, instrumentalities, institutions, 54610
boards, commissions, and other entities of this state or its 54611
political subdivisions, and all political subdivisions, that 54612
have undertaken affirmative action programs pursuant to a 54613
conciliation agreement with the commission, an executive order 54614
of the governor, any federal statute or rule, or an executive 54615
order of the president of the United States shall file progress 54616
reports with the commission annually on or before the first day 54617
of November. The commission shall analyze and evaluate the 54618
progress reports and report its findings annually to the general 54619
assembly on or before the thirtieth day of January of the year 54620
immediately following the receipt of the reports. 54621

(11) Notify a person who files a charge pursuant to 54622
section 4112.051 of the Revised Code that under division (A) of 54623
section 4112.052 of the Revised Code, the person is prohibited 54624
from bringing a civil action under this chapter unless one of 54625
the following applies: 54626

(a) The conditions stated in division (B)(1) of section 54627
4112.052 of the Revised Code are satisfied; 54628

(b) An exception specified in division (B)(2) of section 54629
4112.052 of the Revised Code applies. 54630

(B) The commission may do any of the following: 54631

(1) Meet and function at any place within the state; 54632

(2) Initiate and undertake on its own motion 54633
investigations of problems of employment or housing 54634
accommodations discrimination; 54635

(3) Hold hearings, subpoena witnesses, compel their 54636
attendance, administer oaths, take the testimony of any person 54637

under oath, require the production for examination of any books 54638
and papers relating to any matter under investigation or in 54639
question before the commission, and make rules as to the 54640
issuance of subpoenas by individual commissioners. 54641

(a) In conducting a hearing or investigation, the 54642
commission shall have access at all reasonable times to 54643
premises, records, documents, individuals, and other evidence or 54644
possible sources of evidence and may examine, record, and copy 54645
the premises, records, documents, and other evidence or possible 54646
sources of evidence and take and record the testimony or 54647
statements of the individuals as reasonably necessary for the 54648
furtherance of the hearing or investigation. In investigations, 54649
the commission shall comply with the fourth amendment to the 54650
United States Constitution relating to unreasonable searches and 54651
seizures. The commission or a member of the commission may issue 54652
subpoenas to compel access to or the production of premises, 54653
records, documents, and other evidence or possible sources of 54654
evidence or the appearance of individuals, and may issue 54655
interrogatories to a respondent, to the same extent and subject 54656
to the same limitations as would apply if the subpoenas or 54657
interrogatories were issued or served in aid of a civil action 54658
in a court of common pleas. 54659

(b) Upon written application by a party to a hearing under 54660
division (B) of section 4112.05 or division (G) of section 54661
4112.051 of the Revised Code, the commission shall issue 54662
subpoenas in its name to the same extent and subject to the same 54663
limitations as subpoenas issued by the commission. Subpoenas 54664
issued at the request of a party shall show on their face the 54665
name and address of the party and shall state that they were 54666
issued at the party's request. 54667

(c) Witnesses summoned by subpoena of the commission are 54668
entitled to the witness and mileage fees provided for under 54669
section 119.094 of the Revised Code. 54670

(d) Within five days after service of a subpoena upon any 54671
person, the person may petition the commission to revoke or 54672
modify the subpoena. The commission shall grant the petition if 54673
it finds that the subpoena requires an appearance or attendance 54674
at an unreasonable time or place, that it requires production of 54675
evidence that does not relate to any matter before the 54676
commission, that it does not describe with sufficient 54677
particularity the evidence to be produced, that compliance would 54678
be unduly onerous, or for other good reason. 54679

(e) In case of contumacy or refusal to obey a subpoena, 54680
the commission or person at whose request it was issued may 54681
petition for its enforcement in the court of common pleas in the 54682
county in which the person to whom the subpoena was addressed 54683
resides, was served, or transacts business. 54684

(4) Create local or statewide advisory agencies and 54685
conciliation councils to aid in effectuating the purposes of 54686
this chapter. The commission may itself, or it may empower these 54687
agencies and councils to, do either or both of the following: 54688

(a) Study the problems of discrimination in all or 54689
specific fields of human relationships when based on race, 54690
color, religion, sex, military status, familial status, national 54691
origin, disability, age, or ancestry; 54692

(b) Foster through community effort, or otherwise, good 54693
will among the groups and elements of the population of the 54694
state. 54695

The agencies and councils may make recommendations to the 54696

commission for the development of policies and procedures in 54697
general. They shall be composed of representative citizens who 54698
shall serve without pay, except that reimbursement for actual 54699
and necessary traveling expenses shall be made to citizens who 54700
serve on a statewide agency or council. 54701

(5) Issue any publications and the results of 54702
investigations and research that in its judgment will tend to 54703
promote good will and minimize or eliminate discrimination 54704
because of race, color, religion, sex, military status, familial 54705
status, national origin, disability, age, or ancestry. 54706

Sec. 4112.12. (A) There is hereby created the commission 54707
on African-American males, which shall consist of not more than 54708
twenty-five members as follows: the directors or their designees 54709
of the departments of health, development, mental health and 54710
addiction services, and job and family services; the equal 54711
employment opportunity officer of the department of 54712
administrative services or the equal employment opportunity 54713
officer's designee; the executive director or the executive 54714
director's designee of the Ohio civil rights commission; the 54715
executive director or the executive director's designee of the 54716
division of criminal justice services in the department of 54717
public safety; the ~~superintendent of public instruction; the~~ 54718
~~chancellor of higher education or the chancellor's designee of~~ 54719
~~the Ohio board of regents; the director of education and~~ 54720
workforce; two members of the house of representatives appointed 54721
by the speaker of the house of representatives each of whom 54722
shall be members of different political parties; and two members 54723
of the senate appointed by the president of the senate each of 54724
whom shall be members of different political parties. The 54725
members who are members of the general assembly shall be 54726
nonvoting members. The Ohio state university African American 54727

and African studies community extension center, in consultation 54728
with the governor, shall appoint four members from the private 54729
corporate sector, at least four members from the public sector, 54730
and two members from the nonprofit sector. 54731

(B) Terms of office shall be for three years, except that 54732
members of the general assembly appointed to the commission 54733
shall be members only so long as they are members of the general 54734
assembly. Each term ends on the same day of the same month as 54735
did the term that it succeeds. Each member shall hold office 54736
from the date of appointment until the end of the term for which 54737
the member was appointed. Members may be reappointed. Vacancies 54738
shall be filled in the manner provided for original 54739
appointments. Any member appointed to fill a vacancy occurring 54740
prior to the expiration date of the term for which the member's 54741
predecessor was appointed shall hold office as a member for the 54742
remainder of that term. A member shall continue in office 54743
subsequent to the expiration date of the member's term until the 54744
member's successor takes office or until a period of sixty days 54745
has elapsed, whichever occurs first. 54746

The commission annually shall elect a chairperson from 54747
among its members. 54748

(C) Members of the commission and members of subcommittees 54749
appointed under division (B) of section 4112.13 of the Revised 54750
Code shall not be compensated, but shall be reimbursed for their 54751
necessary and actual expenses incurred in the performance of 54752
their official duties. 54753

(D) The Ohio state university African American and African 54754
studies community extension center, in consultation with the 54755
governor, shall appoint an executive director of the commission 54756
on African-American males, who shall be in the unclassified 54757

civil service. The executive director shall supervise the 54758
commission's activities and report to the commission and to the 54759
Ohio state university African American and African studies 54760
community extension center on the progress of those activities. 54761
The executive director shall do all things necessary for the 54762
efficient and effective implementation of the duties of the 54763
commission. 54764

The responsibilities assigned to the executive director do 54765
not relieve the members of the commission from final 54766
responsibility for the proper performance of the requirements of 54767
this division. 54768

(E) The commission on African-American males shall do all 54769
of the following: 54770

(1) Employ, promote, supervise, and remove all employees, 54771
as needed, in connection with the performance of its duties 54772
under this section; 54773

(2) Maintain its office in Columbus; 54774

(3) Acquire facilities, equipment, and supplies necessary 54775
to house the commission, its employees, and files and records 54776
under its control, and to discharge any duty imposed upon it by 54777
law. The expense of these acquisitions shall be audited and paid 54778
for in the same manner as other state expenses. 54779

(4) Establish the overall policy and management of the 54780
commission in accordance with this chapter; 54781

(5) Follow all state procurement requirements; 54782

(6) Implement the policies and plans of the Ohio state 54783
university African American and African studies community 54784
extension center as those policies and plans are formulated and 54785

adopted by the Ohio state university African American and 54786
African studies community extension center; 54787

(7) Report to the Ohio state university African American 54788
and African studies community extension center on the progress 54789
of the commission on African-American males in implementing the 54790
policies and plans of the Ohio state university African American 54791
and African studies community extension center. 54792

(F) The commission on African-American males may: 54793

(1) Hold sessions at any place within the state, except 54794
that the commission on African-American males shall meet at 54795
least quarterly; 54796

(2) Establish, change, or abolish positions, and assign 54797
and reassign duties and responsibilities of any employee of the 54798
commission on African-American males as necessary to achieve the 54799
most efficient performance of its functions. 54800

(G) The Ohio state university African American and African 54801
studies community extension center shall establish the overall 54802
policy and management of the commission on African-American 54803
males and shall direct, manage, and oversee the commission. The 54804
Ohio state university African American and African studies 54805
community extension center shall develop overall policies and 54806
plans, and the commission on African-American males shall 54807
implement those policies and plans. The commission on African- 54808
American males, through its executive director, shall keep the 54809
Ohio state university African American and African studies 54810
community extension center informed as to the activities of the 54811
commission on African-American males in such manner and at such 54812
times as the Ohio state university African American and African 54813
studies community extension center shall determine. 54814

The Ohio state university African American and African studies community extension center may prescribe duties and responsibilities of the commission on African-American males in addition to those prescribed in section 4112.13 of the Revised Code.

(H) The Ohio state university African American and African studies community extension center annually shall contract for a report on the status of African Americans in this state. Issues to be evaluated in the report shall include the criminal justice system, education, employment, health care, and housing, and such other issues as the Ohio state university African American and African studies community extension center may specify. The report shall include policy recommendations relating to the issues covered in the report.

Sec. 4117.10. (A) An agreement between a public employer and an exclusive representative entered into pursuant to this chapter governs the wages, hours, and terms and conditions of public employment covered by the agreement. If the agreement provides for a final and binding arbitration of grievances, public employers, employees, and employee organizations are subject solely to that grievance procedure and the state personnel board of review or civil service commissions have no jurisdiction to receive and determine any appeals relating to matters that were the subject of a final and binding grievance procedure. Where no agreement exists or where an agreement makes no specification about a matter, the public employer and public employees are subject to all applicable state or local laws or ordinances pertaining to the wages, hours, and terms and conditions of employment for public employees. All of the following prevail over conflicting provisions of agreements between employee organizations and public employers:

(1) Laws pertaining to any of the following subjects:	54846
(a) Civil rights;	54847
(b) Affirmative action;	54848
(c) Unemployment compensation;	54849
(d) Workers' compensation;	54850
(e) The retirement of public employees;	54851
(f) Residency requirements;	54852
(g) The minimum educational requirements contained in the Revised Code pertaining to public education including the requirement of a certificate by the fiscal officer of a school district pursuant to section 5705.41 of the Revised Code;	54853 54854 54855 54856
(h) The provisions of division (A) of section 124.34 of the Revised Code governing the disciplining of officers and employees who have been convicted of a felony;	54857 54858 54859
(i) The minimum standards promulgated by the state board <u>director of education and workforce</u> pursuant to division (D) of section 3301.07 of the Revised Code.	54860 54861 54862
(2) The law pertaining to the leave of absence and compensation provided under section 5923.05 of the Revised Code, if the terms of the agreement contain benefits which are less than those contained in that section or the agreement contains no such terms and the public authority is the state or any agency, authority, commission, or board of the state or if the public authority is another entity listed in division (B) of section 4117.01 of the Revised Code that elects to provide leave of absence and compensation as provided in section 5923.05 of the Revised Code;	54863 54864 54865 54866 54867 54868 54869 54870 54871 54872

(3) The law pertaining to the leave established under 54873
section 5906.02 of the Revised Code, if the terms of the 54874
agreement contain benefits that are less than those contained in 54875
section 5906.02 of the Revised Code; 54876

(4) The law pertaining to excess benefits prohibited under 54877
section 3345.311 of the Revised Code with respect to an 54878
agreement between an employee organization and a public employer 54879
entered into on or after ~~the effective date of this amendment~~ 54880
September 29, 2015. 54881

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 54882
the Revised Code and arrangements entered into thereunder, and 54883
section 4981.21 of the Revised Code as necessary to comply with 54884
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 54885
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 54886
entered into thereunder, this chapter prevails over any and all 54887
other conflicting laws, resolutions, provisions, present or 54888
future, except as otherwise specified in this chapter or as 54889
otherwise specified by the general assembly. Nothing in this 54890
section prohibits or shall be construed to invalidate the 54891
provisions of an agreement establishing supplemental workers' 54892
compensation or unemployment compensation benefits or exceeding 54893
minimum requirements contained in the Revised Code pertaining to 54894
public education or the minimum standards promulgated by the 54895
~~state board~~ director of education and workforce pursuant to 54896
division (D) of section 3301.07 of the Revised Code. 54897

(B) The public employer shall submit a request for funds 54898
necessary to implement an agreement and for approval of any 54899
other matter requiring the approval of the appropriate 54900
legislative body to the legislative body within fourteen days of 54901
the date on which the parties finalize the agreement, unless 54902

otherwise specified, but if the appropriate legislative body is 54903
not in session at the time, then within fourteen days after it 54904
convenes. The legislative body must approve or reject the 54905
submission as a whole, and the submission is deemed approved if 54906
the legislative body fails to act within thirty days after the 54907
public employer submits the agreement. The parties may specify 54908
that those provisions of the agreement not requiring action by a 54909
legislative body are effective and operative in accordance with 54910
the terms of the agreement, provided there has been compliance 54911
with division (C) of this section. If the legislative body 54912
rejects the submission of the public employer, either party may 54913
reopen all or part of the entire agreement. 54914

As used in this section, "legislative body" includes the 54915
governing board of a municipal corporation, school district, 54916
college or university, village, township, or board of county 54917
commissioners or any other body that has authority to approve 54918
the budget of their public jurisdiction and, with regard to the 54919
state, "legislative body" means the controlling board. 54920

(C) The chief executive officer, or the chief executive 54921
officer's representative, of each municipal corporation, the 54922
designated representative of the board of education of each 54923
school district, college or university, or any other body that 54924
has authority to approve the budget of their public 54925
jurisdiction, the designated representative of the board of 54926
county commissioners and of each elected officeholder of the 54927
county whose employees are covered by the collective 54928
negotiations, and the designated representative of the village 54929
or the board of township trustees of each township is 54930
responsible for negotiations in the collective bargaining 54931
process; except that the legislative body may accept or reject a 54932
proposed collective bargaining agreement. When the matters about 54933

which there is agreement are reduced to writing and approved by 54934
the employee organization and the legislative body, the 54935
agreement is binding upon the legislative body, the employer, 54936
and the employee organization and employees covered by the 54937
agreement. 54938

(D) There is hereby established an office of collective 54939
bargaining in the department of administrative services for the 54940
purpose of negotiating with and entering into written agreements 54941
between state agencies, departments, boards, and commissions and 54942
the exclusive representative on matters of wages, hours, terms 54943
and other conditions of employment and the continuation, 54944
modification, or deletion of an existing provision of a 54945
collective bargaining agreement. Nothing in any provision of law 54946
to the contrary shall be interpreted as excluding the bureau of 54947
workers' compensation and the industrial commission from the 54948
preceding sentence. This office shall not negotiate on behalf of 54949
other statewide elected officials or boards of trustees of state 54950
institutions of higher education who shall be considered as 54951
separate public employers for the purposes of this chapter; 54952
however, the office may negotiate on behalf of these officials 54953
or trustees where authorized by the officials or trustees. The 54954
staff of the office of collective bargaining are in the 54955
unclassified service. The director of administrative services 54956
shall fix the compensation of the staff. 54957

The office of collective bargaining shall: 54958

(1) Assist the director in formulating management's 54959
philosophy for public collective bargaining as well as planning 54960
bargaining strategies; 54961

(2) Conduct negotiations with the exclusive 54962
representatives of each employee organization; 54963

(3) Coordinate the state's resources in all mediation, 54964
fact-finding, and arbitration cases as well as in all labor 54965
disputes; 54966

(4) Conduct systematic reviews of collective bargaining 54967
agreements for the purpose of contract negotiations; 54968

(5) Coordinate the systematic compilation of data by all 54969
agencies that is required for negotiating purposes; 54970

(6) Prepare and submit an annual report and other reports 54971
as requested to the governor and the general assembly on the 54972
implementation of this chapter and its impact upon state 54973
government. 54974

Sec. 4117.102. The state employment relations board shall 54975
compile a list of the school districts in the state that have 54976
filed with the board agreements entered into with teacher 54977
employee organizations under this chapter. The board shall 54978
annually update the list to reflect, for each district, for the 54979
current fiscal year, the starting salary in the district for 54980
teachers with no prior teaching experience who hold bachelors 54981
degrees. The board shall send a copy of each annually updated 54982
list to the ~~state board~~ department of education and workforce. 54983

Sec. 4141.01. As used in this chapter, unless the context 54984
otherwise requires: 54985

(A)(1) "Employer" means the state, its instrumentalities, 54986
its political subdivisions and their instrumentalities, Indian 54987
tribes, and any individual or type of organization including any 54988
partnership, limited liability company, association, trust, 54989
estate, joint-stock company, insurance company, or corporation, 54990
whether domestic or foreign, or the receiver, trustee in 54991
bankruptcy, trustee, or the successor thereof, or the legal 54992

representative of a deceased person who subsequent to December 31, 1971, or in the case of political subdivisions or their instrumentalities, subsequent to December 31, 1973:

(a) Had in employment at least one individual, or in the case of a nonprofit organization, subsequent to December 31, 1973, had not less than four individuals in employment for some portion of a day in each of twenty different calendar weeks, in either the current or the preceding calendar year whether or not the same individual was in employment in each such day; or

(b) Except for a nonprofit organization, had paid for service in employment wages of fifteen hundred dollars or more in any calendar quarter in either the current or preceding calendar year; or

(c) Had paid, subsequent to December 31, 1977, for employment in domestic service in a local college club, or local chapter of a college fraternity or sorority, cash remuneration of one thousand dollars or more in any calendar quarter in the current calendar year or the preceding calendar year, or had paid subsequent to December 31, 1977, for employment in domestic service in a private home cash remuneration of one thousand dollars in any calendar quarter in the current calendar year or the preceding calendar year:

(i) For the purposes of divisions (A) (1) (a) and (b) of this section, there shall not be taken into account any wages paid to, or employment of, an individual performing domestic service as described in this division.

(ii) An employer under this division shall not be an employer with respect to wages paid for any services other than domestic service unless the employer is also found to be an

employer under division (A) (1) (a), (b), or (d) of this section. 55022

(d) As a farm operator or a crew leader subsequent to 55023
December 31, 1977, had in employment individuals in agricultural 55024
labor; and 55025

(i) During any calendar quarter in the current calendar 55026
year or the preceding calendar year, paid cash remuneration of 55027
twenty thousand dollars or more for the agricultural labor; or 55028

(ii) Had at least ten individuals in employment in 55029
agricultural labor, not including agricultural workers who are 55030
aliens admitted to the United States to perform agricultural 55031
labor pursuant to sections 1184(c) and 1101(a) (15) (H) of the 55032
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 55033
1101(a) (15) (H) (ii) (a), 1184(c), for some portion of a day in 55034
each of the twenty different calendar weeks, in either the 55035
current or preceding calendar year whether or not the same 55036
individual was in employment in each day; or 55037

(e) Is not otherwise an employer as defined under division 55038
(A) (1) (a) or (b) of this section; and 55039

(i) For which, within either the current or preceding 55040
calendar year, service, except for domestic service in a private 55041
home not covered under division (A) (1) (c) of this section, is or 55042
was performed with respect to which such employer is liable for 55043
any federal tax against which credit may be taken for 55044
contributions required to be paid into a state unemployment 55045
fund; 55046

(ii) Which, as a condition for approval of this chapter 55047
for full tax credit against the tax imposed by the "Federal 55048
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, 55049
is required, pursuant to such act to be an employer under this 55050

chapter; or 55051

(iii) Who became an employer by election under division 55052
(A) (4) or (5) of this section and for the duration of such 55053
election; or 55054

(f) In the case of the state, its instrumentalities, its 55055
political subdivisions, and their instrumentalities, and Indian 55056
tribes, had in employment, as defined in divisions (B) (2) (a) and 55057
(B) (2) (1) of this section, at least one individual; 55058

(g) For the purposes of division (A) (1) (a) of this 55059
section, if any week includes both the thirty-first day of 55060
December and the first day of January, the days of that week 55061
before the first day of January shall be considered one calendar 55062
week and the days beginning the first day of January another 55063
week. 55064

(2) Each individual employed to perform or to assist in 55065
performing the work of any agent or employee of an employer is 55066
employed by such employer for all the purposes of this chapter, 55067
whether such individual was hired or paid directly by such 55068
employer or by such agent or employee, provided the employer had 55069
actual or constructive knowledge of the work. All individuals 55070
performing services for an employer of any person in this state 55071
who maintains two or more establishments within this state are 55072
employed by a single employer for the purposes of this chapter. 55073

(3) An employer subject to this chapter within any 55074
calendar year is subject to this chapter during the whole of 55075
such year and during the next succeeding calendar year. 55076

(4) An employer not otherwise subject to this chapter who 55077
files with the director of job and family services a written 55078
election to become an employer subject to this chapter for not 55079

less than two calendar years shall, with the written approval of 55080
such election by the director, become an employer subject to 55081
this chapter to the same extent as all other employers as of the 55082
date stated in such approval, and shall cease to be subject to 55083
this chapter as of the first day of January of any calendar year 55084
subsequent to such two calendar years only if at least thirty 55085
days prior to such first day of January the employer has filed 55086
with the director a written notice to that effect. 55087

(5) Any employer for whom services that do not constitute 55088
employment are performed may file with the director a written 55089
election that all such services performed by individuals in the 55090
employer's employ in one or more distinct establishments or 55091
places of business shall be deemed to constitute employment for 55092
all the purposes of this chapter, for not less than two calendar 55093
years. Upon written approval of the election by the director, 55094
such services shall be deemed to constitute employment subject 55095
to this chapter from and after the date stated in such approval. 55096
Such services shall cease to be employment subject to this 55097
chapter as of the first day of January of any calendar year 55098
subsequent to such two calendar years only if at least thirty 55099
days prior to such first day of January such employer has filed 55100
with the director a written notice to that effect. 55101

(6) "Employer" does not include a franchisor with respect 55102
to the franchisor's relationship with a franchisee or an 55103
employee of a franchisee, unless the franchisor agrees to assume 55104
that role in writing or a court of competent jurisdiction 55105
determines that the franchisor exercises a type or degree of 55106
control over the franchisee or the franchisee's employees that 55107
is not customarily exercised by a franchisor for the purpose of 55108
protecting the franchisor's trademark, brand, or both. For 55109
purposes of this division, "franchisor" and "franchisee" have 55110

the same meanings as in 16 C.F.R. 436.1. 55111

(B) (1) "Employment" means service performed by an 55112
individual for remuneration under any contract of hire, written 55113
or oral, express or implied, including service performed in 55114
interstate commerce and service performed by an officer of a 55115
corporation, without regard to whether such service is 55116
executive, managerial, or manual in nature, and without regard 55117
to whether such officer is a stockholder or a member of the 55118
board of directors of the corporation, unless it is shown to the 55119
satisfaction of the director that such individual has been and 55120
will continue to be free from direction or control over the 55121
performance of such service, both under a contract of service 55122
and in fact. The director shall adopt rules to define "direction 55123
or control." 55124

(2) "Employment" includes: 55125

(a) Service performed after December 31, 1977, by an 55126
individual in the employ of the state or any of its 55127
instrumentalities, or any political subdivision thereof or any 55128
of its instrumentalities or any instrumentality of more than one 55129
of the foregoing or any instrumentality of any of the foregoing 55130
and one or more other states or political subdivisions and 55131
without regard to divisions (A) (1) (a) and (b) of this section, 55132
provided that such service is excluded from employment as 55133
defined in the "Federal Unemployment Tax Act," 53 Stat. 183, 26 55134
U.S.C.A. 3301, 3306(c) (7) and is not excluded under division (B) 55135
(3) of this section; or the services of employees covered by 55136
voluntary election, as provided under divisions (A) (4) and (5) 55137
of this section; 55138

(b) Service performed after December 31, 1971, by an 55139
individual in the employ of a religious, charitable, 55140

educational, or other organization which is excluded from the 55141
term "employment" as defined in the "Federal Unemployment Tax 55142
Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, solely by reason 55143
of section 26 U.S.C.A. 3306(c) (8) of that act and is not 55144
excluded under division (B) (3) of this section; 55145

(c) Domestic service performed after December 31, 1977, 55146
for an employer, as provided in division (A) (1) (c) of this 55147
section; 55148

(d) Agricultural labor performed after December 31, 1977, 55149
for a farm operator or a crew leader, as provided in division 55150
(A) (1) (d) of this section; 55151

(e) Subject to division (B) (2) (m) of this section, service 55152
not covered under division (B) (1) of this section which is 55153
performed after December 31, 1971: 55154

(i) As an agent-driver or commission-driver engaged in 55155
distributing meat products, vegetable products, fruit products, 55156
bakery products, beverages other than milk, laundry, or dry- 55157
cleaning services, for the individual's employer or principal; 55158

(ii) As a traveling or city salesperson, other than as an 55159
agent-driver or commission-driver, engaged on a full-time basis 55160
in the solicitation on behalf of and in the transmission to the 55161
salesperson's employer or principal except for sideline sales 55162
activities on behalf of some other person of orders from 55163
wholesalers, retailers, contractors, or operators of hotels, 55164
restaurants, or other similar establishments for merchandise for 55165
resale, or supplies for use in their business operations, 55166
provided that for the purposes of division (B) (2) (e) (ii) of this 55167
section, the services shall be deemed employment if the contract 55168
of service contemplates that substantially all of the services 55169

are to be performed personally by the individual and that the individual does not have a substantial investment in facilities used in connection with the performance of the services other than in facilities for transportation, and the services are not in the nature of a single transaction that is not a part of a continuing relationship with the person for whom the services are performed.

(f) An individual's entire service performed within or both within and without the state if:

(i) The service is localized in this state.

(ii) The service is not localized in any state, but some of the service is performed in this state and either the base of operations, or if there is no base of operations then the place from which such service is directed or controlled, is in this state or the base of operations or place from which such service is directed or controlled is not in any state in which some part of the service is performed but the individual's residence is in this state.

(g) Service not covered under division (B) (2) (f) (ii) of this section and performed entirely without this state, with respect to no part of which contributions are required and paid under an unemployment compensation law of any other state, the Virgin Islands, Canada, or of the United States, if the individual performing such service is a resident of this state and the director approves the election of the employer for whom such services are performed; or, if the individual is not a resident of this state but the place from which the service is directed or controlled is in this state, the entire services of such individual shall be deemed to be employment subject to this chapter, provided service is deemed to be localized within this

state if the service is performed entirely within this state or 55200
if the service is performed both within and without this state 55201
but the service performed without this state is incidental to 55202
the individual's service within the state, for example, is 55203
temporary or transitory in nature or consists of isolated 55204
transactions; 55205

(h) Service of an individual who is a citizen of the 55206
United States, performed outside the United States except in 55207
Canada after December 31, 1971, or the Virgin Islands, after 55208
December 31, 1971, and before the first day of January of the 55209
year following that in which the United States secretary of 55210
labor approves the Virgin Islands law for the first time, in the 55211
employ of an American employer, other than service which is 55212
"employment" under divisions (B) (2) (f) and (g) of this section 55213
or similar provisions of another state's law, if: 55214

(i) The employer's principal place of business in the 55215
United States is located in this state; 55216

(ii) The employer has no place of business in the United 55217
States, but the employer is an individual who is a resident of 55218
this state; or the employer is a corporation which is organized 55219
under the laws of this state, or the employer is a partnership 55220
or a trust and the number of partners or trustees who are 55221
residents of this state is greater than the number who are 55222
residents of any other state; or 55223

(iii) None of the criteria of divisions (B) (2) (f) (i) and 55224
(ii) of this section is met but the employer has elected 55225
coverage in this state or the employer having failed to elect 55226
coverage in any state, the individual has filed a claim for 55227
benefits, based on such service, under this chapter. 55228

(i) For the purposes of division (B) (2) (h) of this section, the term "American employer" means an employer who is an individual who is a resident of the United States; or a partnership, if two-thirds or more of the partners are residents of the United States; or a trust, if all of the trustees are residents of the United States; or a corporation organized under the laws of the United States or of any state, provided the term "United States" includes the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Virgin Islands.

(j) Notwithstanding any other provisions of divisions (B) (1) and (2) of this section, service, except for domestic service in a private home not covered under division (A) (1) (c) of this section, with respect to which a tax is required to be paid under any federal law imposing a tax against which credit may be taken for contributions required to be paid into a state unemployment fund, or service, except for domestic service in a private home not covered under division (A) (1) (c) of this section, which, as a condition for full tax credit against the tax imposed by the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is required to be covered under this chapter.

(k) Construction services performed by any individual under a construction contract, as defined in section 4141.39 of the Revised Code, if the director determines that the employer for whom services are performed has the right to direct or control the performance of the services and that the individuals who perform the services receive remuneration for the services performed. The director shall presume that the employer for whom services are performed has the right to direct or control the performance of the services if ten or more of the following criteria apply:

- (i) The employer directs or controls the manner or method by which instructions are given to the individual performing services; 55260
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55262
- (ii) The employer requires particular training for the individual performing services; 55263
55264
- (iii) Services performed by the individual are integrated into the regular functioning of the employer; 55265
55266
- (iv) The employer requires that services be provided by a particular individual; 55267
55268
- (v) The employer hires, supervises, or pays the wages of the individual performing services; 55269
55270
- (vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work; 55271
55272
55273
- (vii) The employer requires the individual to perform services during established hours; 55274
55275
- (viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer; 55276
55277
55278
- (ix) The employer requires the individual to perform services on the employer's premises; 55279
55280
- (x) The employer requires the individual performing services to follow the order of work established by the employer; 55281
55282
55283
- (xi) The employer requires the individual performing services to make oral or written reports of progress; 55284
55285
- (xii) The employer makes payment to the individual for 55286

services on a regular basis, such as hourly, weekly, or monthly;	55287
(xiii) The employer pays expenses for the individual performing services;	55288 55289
(xiv) The employer furnishes the tools and materials for use by the individual to perform services;	55290 55291
(xv) The individual performing services has not invested in the facilities used to perform services;	55292 55293
(xvi) The individual performing services does not realize a profit or suffer a loss as a result of the performance of the services;	55294 55295 55296
(xvii) The individual performing services is not performing services for more than two employers simultaneously;	55297 55298
(xviii) The individual performing services does not make the services available to the general public;	55299 55300
(xix) The employer has a right to discharge the individual performing services;	55301 55302
(xx) The individual performing services has the right to end the individual's relationship with the employer without incurring liability pursuant to an employment contract or agreement.	55303 55304 55305 55306
(1) Service performed by an individual in the employ of an Indian tribe as defined by section 4(e) of the "Indian Self-Determination and Education Assistance Act," 88 Stat. 2204 (1975), 25 U.S.C.A. 450b(e), including any subdivision, subsidiary, or business enterprise wholly owned by an Indian tribe provided that the service is excluded from employment as defined in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 and 3306(c)(7) and is not excluded	55307 55308 55309 55310 55311 55312 55313 55314

under division (B) (3) of this section. 55315

(m) Service performed by an individual for or on behalf of 55316
a motor carrier transporting property as an operator of a 55317
vehicle or vessel, unless all of the following factors apply to 55318
the individual and the motor carrier has not elected to consider 55319
the individual's service as employment: 55320

(i) The individual owns the vehicle or vessel that is used 55321
in performing the services for or on behalf of the carrier, or 55322
the individual leases the vehicle or vessel under a bona fide 55323
lease agreement that is not a temporary replacement lease 55324
agreement. For purposes of this division, a bona fide lease 55325
agreement does not include an agreement between the individual 55326
and the motor carrier transporting property for which, or on 55327
whose behalf, the individual provides services. 55328

(ii) The individual is responsible for supplying the 55329
necessary personal services to operate the vehicle or vessel 55330
used to provide the service. 55331

(iii) The compensation paid to the individual is based on 55332
factors related to work performed, including on a mileage-based 55333
rate or a percentage of any schedule of rates, and not solely on 55334
the basis of the hours or time expended. 55335

(iv) The individual substantially controls the means and 55336
manner of performing the services, in conformance with 55337
regulatory requirements and specifications of the shipper. 55338

(v) The individual enters into a written contract with the 55339
carrier for whom the individual is performing the services that 55340
describes the relationship between the individual and the 55341
carrier to be that of an independent contractor and not that of 55342
an employee. 55343

(vi) The individual is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the individual may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lumper fees.

(vii) The individual is responsible for any economic loss or economic gain from the arrangement with the carrier.

(viii) The individual is not performing services described in 26 U.S.C. 3306(c) (7) or (8).

(3) "Employment" does not include the following services if they are found not subject to the "Federal Unemployment Tax Act," 84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services are not required to be included under division (B) (2) (j) of this section:

(a) Service performed after December 31, 1977, in agricultural labor, except as provided in division (A) (1) (d) of this section;

(b) Domestic service performed after December 31, 1977, in a private home, local college club, or local chapter of a college fraternity or sorority except as provided in division (A) (1) (c) of this section;

(c) Service performed after December 31, 1977, for this state or a political subdivision as described in division (B) (2) (a) of this section when performed:

(i) As a publicly elected official;

(ii) As a member of a legislative body, or a member of the

judiciary;	55372
(iii) As a military member of the Ohio national guard;	55373
(iv) As an employee, not in the classified service as defined in section 124.11 of the Revised Code, serving on a temporary basis in case of fire, storm, snow, earthquake, flood, or similar emergency;	55374 55375 55376 55377
(v) In a position which, under or pursuant to law, is designated as a major nontenured policymaking or advisory position, not in the classified service of the state, or a policymaking or advisory position the performance of the duties of which ordinarily does not require more than eight hours per week.	55378 55379 55380 55381 55382 55383
(d) In the employ of any governmental unit or instrumentality of the United States;	55384 55385
(e) Service performed after December 31, 1971:	55386
(i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or	55387 55388 55389 55390 55391 55392
(ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution	55393 55394 55395 55396 55397 55398 55399 55400

has so certified to the employer, provided that this subdivision 55401
shall not apply to service performed in a program established 55402
for or on behalf of an employer or group of employers. 55403

(f) Service performed by an individual in the employ of 55404
the individual's son, daughter, or spouse and service performed 55405
by a child under the age of eighteen in the employ of the 55406
child's father or mother; 55407

(g) Service performed for one or more principals by an 55408
individual who is compensated on a commission basis, who in the 55409
performance of the work is master of the individual's own time 55410
and efforts, and whose remuneration is wholly dependent on the 55411
amount of effort the individual chooses to expend, and which 55412
service is not subject to the "Federal Unemployment Tax Act," 53 55413
Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed 55414
after December 31, 1971: 55415

(i) By an individual for an employer as an insurance agent 55416
or as an insurance solicitor, if all this service is performed 55417
for remuneration solely by way of commission; 55418

(ii) As a home worker performing work, according to 55419
specifications furnished by the employer for whom the services 55420
are performed, on materials or goods furnished by such employer 55421
which are required to be returned to the employer or to a person 55422
designated for that purpose. 55423

(h) Service performed after December 31, 1971: 55424

(i) In the employ of a church or convention or association 55425
of churches, or in an organization which is operated primarily 55426
for religious purposes and which is operated, supervised, 55427
controlled, or principally supported by a church or convention 55428
or association of churches; 55429

(ii) By a duly ordained, commissioned, or licensed minister of a church in the exercise of the individual's ministry or by a member of a religious order in the exercise of duties required by such order; or

(iii) In a facility conducted for the purpose of carrying out a program of rehabilitation for individuals whose earning capacity is impaired by age or physical or mental deficiency or injury, or providing remunerative work for individuals who because of their impaired physical or mental capacity cannot be readily absorbed in the competitive labor market, by an individual receiving such rehabilitation or remunerative work.

(i) Service performed after June 30, 1939, with respect to which unemployment compensation is payable under the "Railroad Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351;

(j) Service performed by an individual in the employ of any organization exempt from income tax under section 501 of the "Internal Revenue Code of 1954," if the remuneration for such service does not exceed fifty dollars in any calendar quarter, or if such service is in connection with the collection of dues or premiums for a fraternal beneficial society, order, or association and is performed away from the home office or is ritualistic service in connection with any such society, order, or association;

(k) Casual labor not in the course of an employer's trade or business; incidental service performed by an officer, appraiser, or member of a finance committee of a bank, building and loan association, savings and loan association, or savings association when the remuneration for such incidental service exclusive of the amount paid or allotted for directors' fees

does not exceed sixty dollars per calendar quarter is casual 55460
labor; 55461

(l) Service performed in the employ of a voluntary 55462
employees' beneficial association providing for the payment of 55463
life, sickness, accident, or other benefits to the members of 55464
such association or their dependents or their designated 55465
beneficiaries, if admission to a membership in such association 55466
is limited to individuals who are officers or employees of a 55467
municipal or public corporation, of a political subdivision of 55468
the state, or of the United States and no part of the net 55469
earnings of such association inures, other than through such 55470
payments, to the benefit of any private shareholder or 55471
individual; 55472

(m) Service performed by an individual in the employ of a 55473
foreign government, including service as a consular or other 55474
officer or employee or of a nondiplomatic representative; 55475

(n) Service performed in the employ of an instrumentality 55476
wholly owned by a foreign government if the service is of a 55477
character similar to that performed in foreign countries by 55478
employees of the United States or of an instrumentality thereof 55479
and if the director finds that the secretary of state of the 55480
United States has certified to the secretary of the treasury of 55481
the United States that the foreign government, with respect to 55482
whose instrumentality exemption is claimed, grants an equivalent 55483
exemption with respect to similar service performed in the 55484
foreign country by employees of the United States and of 55485
instrumentalities thereof; 55486

(o) Service with respect to which unemployment 55487
compensation is payable under an unemployment compensation 55488
system established by an act of congress; 55489

(p) Service performed as a student nurse in the employ of 55490
a hospital or a nurses' training school by an individual who is 55491
enrolled and is regularly attending classes in a nurses' 55492
training school chartered or approved pursuant to state law, and 55493
service performed as an intern in the employ of a hospital by an 55494
individual who has completed a four years' course in a medical 55495
school chartered or approved pursuant to state law; 55496

(q) Service performed by an individual under the age of 55497
eighteen in the delivery or distribution of newspapers or 55498
shopping news, not including delivery or distribution to any 55499
point for subsequent delivery or distribution; 55500

(r) Service performed in the employ of the United States 55501
or an instrumentality of the United States immune under the 55502
Constitution of the United States from the contributions imposed 55503
by this chapter, except that to the extent that congress permits 55504
states to require any instrumentalities of the United States to 55505
make payments into an unemployment fund under a state 55506
unemployment compensation act, this chapter shall be applicable 55507
to such instrumentalities and to services performed for such 55508
instrumentalities in the same manner, to the same extent, and on 55509
the same terms as to all other employers, individuals, and 55510
services, provided that if this state is not certified for any 55511
year by the proper agency of the United States under section 55512
3304 of the "Internal Revenue Code of 1954," the payments 55513
required of such instrumentalities with respect to such year 55514
shall be refunded by the director from the fund in the same 55515
manner and within the same period as is provided in division (E) 55516
of section 4141.09 of the Revised Code with respect to 55517
contributions erroneously collected; 55518

(s) Service performed by an individual as a member of a 55519

band or orchestra, provided such service does not represent the 55520
principal occupation of such individual, and which service is 55521
not subject to or required to be covered for full tax credit 55522
against the tax imposed by the "Federal Unemployment Tax Act," 55523
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 55524

(t) Service performed in the employ of a day camp whose 55525
camping season does not exceed twelve weeks in any calendar 55526
year, and which service is not subject to the "Federal 55527
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 55528
3311. Service performed after December 31, 1971: 55529

(i) In the employ of a hospital, if the service is 55530
performed by a patient of the hospital, as defined in division 55531
(W) of this section; 55532

(ii) For a prison or other correctional institution by an 55533
inmate of the prison or correctional institution; 55534

(iii) Service performed after December 31, 1977, by an 55535
inmate of a custodial institution operated by the state, a 55536
political subdivision, or a nonprofit organization. 55537

(u) Service that is performed by a nonresident alien 55538
individual for the period the individual temporarily is present 55539
in the United States as a nonimmigrant under division (F), (J), 55540
(M), or (Q) of section 101(a)(15) of the "Immigration and 55541
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, 55542
that is excluded under section 3306(c)(19) of the "Federal 55543
Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 55544
3311. 55545

(v) Notwithstanding any other provisions of division (B) 55546
(3) of this section, services that are excluded under divisions 55547
(B)(3)(g), (j), (k), and (l) of this section shall not be 55548

excluded from employment when performed for a nonprofit 55549
organization, as defined in division (X) of this section, or for 55550
this state or its instrumentalities, or for a political 55551
subdivision or its instrumentalities or for Indian tribes; 55552

(w) Service that is performed by an individual working as 55553
an election official or election worker if the amount of 55554
remuneration received by the individual during the calendar year 55555
for services as an election official or election worker is less 55556
than one thousand dollars; 55557

(x) Service performed for an elementary or secondary 55558
school that is operated primarily for religious purposes, that 55559
is described in subsection 501(c)(3) and exempt from federal 55560
income taxation under subsection 501(a) of the Internal Revenue 55561
Code, 26 U.S.C.A. 501; 55562

(y) Service performed by a person committed to a penal 55563
institution. 55564

(z) Service performed for an Indian tribe as described in 55565
division (B)(2)(1) of this section when performed in any of the 55566
following manners: 55567

(i) As a publicly elected official; 55568

(ii) As a member of an Indian tribal council; 55569

(iii) As a member of a legislative or judiciary body; 55570

(iv) In a position which, pursuant to Indian tribal law, 55571
is designated as a major nontenured policymaking or advisory 55572
position, or a policymaking or advisory position where the 55573
performance of the duties ordinarily does not require more than 55574
eight hours of time per week; 55575

(v) As an employee serving on a temporary basis in the 55576

case of a fire, storm, snow, earthquake, flood, or similar emergency. 55577
55578

(aa) Service performed after December 31, 1971, for a nonprofit organization, this state or its instrumentalities, a political subdivision or its instrumentalities, or an Indian tribe as part of an unemployment work-relief or work-training program assisted or financed in whole or in part by any federal agency or an agency of a state or political subdivision, thereof, by an individual receiving the work-relief or work-training. 55579
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(bb) Participation in a learn to earn program as defined in section 4141.293 of the Revised Code. 55587
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(4) If the services performed during one half or more of any pay period by an employee for the person employing that employee constitute employment, all the services of such employee for such period shall be deemed to be employment; but if the services performed during more than one half of any such pay period by an employee for the person employing that employee do not constitute employment, then none of the services of such employee for such period shall be deemed to be employment. As used in division (B) (4) of this section, "pay period" means a period, of not more than thirty-one consecutive days, for which payment of remuneration is ordinarily made to the employee by the person employing that employee. Division (B) (4) of this section does not apply to services performed in a pay period by an employee for the person employing that employee, if any of such service is excepted by division (B) (3) (o) of this section. 55589
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(C) "Benefits" means money payments payable to an individual who has established benefit rights, as provided in this chapter, for loss of remuneration due to the individual's 55604
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unemployment. 55607

(D) "Benefit rights" means the weekly benefit amount and 55608
the maximum benefit amount that may become payable to an 55609
individual within the individual's benefit year as determined by 55610
the director. 55611

(E) "Claim for benefits" means a claim for waiting period 55612
or benefits for a designated week. 55613

(F) "Additional claim" means the first claim for benefits 55614
filed following any separation from employment during a benefit 55615
year; "continued claim" means any claim other than the first 55616
claim for benefits and other than an additional claim. 55617

(G) "Wages" means remuneration paid to an employee by each 55618
of the employee's employers with respect to employment; except 55619
that wages shall not include that part of remuneration paid 55620
during any calendar year to an individual by an employer or such 55621
employer's predecessor in interest in the same business or 55622
enterprise, which in any calendar year is in excess of nine 55623
thousand dollars on and after January 1, 1995; nine thousand 55624
five hundred dollars on and after January 1, 2018; and nine 55625
thousand dollars on and after January 1, 2020. Remuneration in 55626
excess of such amounts shall be deemed wages subject to 55627
contribution to the same extent that such remuneration is 55628
defined as wages under the "Federal Unemployment Tax Act," 84 55629
Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as amended. The 55630
remuneration paid an employee by an employer with respect to 55631
employment in another state, upon which contributions were 55632
required and paid by such employer under the unemployment 55633
compensation act of such other state, shall be included as a 55634
part of remuneration in computing the amount specified in this 55635
division. 55636

(H) (1) "Remuneration" means all compensation for personal services, including commissions and bonuses and the cash value of all compensation in any medium other than cash, except that in the case of agricultural or domestic service, "remuneration" includes only cash remuneration. Gratuities customarily received by an individual in the course of the individual's employment from persons other than the individual's employer and which are accounted for by such individual to the individual's employer are taxable wages.

The reasonable cash value of compensation paid in any medium other than cash shall be estimated and determined in accordance with rules prescribed by the director, provided that "remuneration" does not include:

(a) Payments as provided in divisions (b) (2) to (b) (20) of section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, as amended;

(b) The payment by an employer, without deduction from the remuneration of the individual in the employer's employ, of the tax imposed upon an individual in the employer's employ under section 3101 of the "Internal Revenue Code of 1954," with respect to services performed after October 1, 1941.

(2) "Cash remuneration" means all remuneration paid in cash, including commissions and bonuses, but not including the cash value of all compensation in any medium other than cash.

(I) "Interested party" means the director and any party to whom notice of a determination of an application for benefit rights or a claim for benefits is required to be given under section 4141.28 of the Revised Code.

(J) "Annual payroll" means the total amount of wages

subject to contributions during a twelve-month period ending 55666
with the last day of the second calendar quarter of any calendar 55667
year. 55668

(K) "Average annual payroll" means the average of the last 55669
three annual payrolls of an employer, provided that if, as of 55670
any computation date, the employer has had less than three 55671
annual payrolls in such three-year period, such average shall be 55672
based on the annual payrolls which the employer has had as of 55673
such date. 55674

(L) (1) "Contributions" means the money payments to the 55675
state unemployment compensation fund required of employers by 55676
section 4141.25 of the Revised Code and of the state and any of 55677
its political subdivisions electing to pay contributions under 55678
section 4141.242 of the Revised Code. Employers paying 55679
contributions shall be described as "contributory employers." 55680

(2) "Payments in lieu of contributions" means the money 55681
payments to the state unemployment compensation fund required of 55682
reimbursing employers under sections 4141.241 and 4141.242 of 55683
the Revised Code. 55684

(M) An individual is "totally unemployed" in any week 55685
during which the individual performs no services and with 55686
respect to such week no remuneration is payable to the 55687
individual. 55688

(N) An individual is "partially unemployed" in any week 55689
if, due to involuntary loss of work, the total remuneration 55690
payable to the individual for such week is less than the 55691
individual's weekly benefit amount. 55692

(O) "Week" means the calendar week ending at midnight 55693
Saturday unless an equivalent week of seven consecutive calendar 55694

days is prescribed by the director. 55695

(1) "Qualifying week" means any calendar week in an 55696
individual's base period with respect to which the individual 55697
earns or is paid remuneration in employment subject to this 55698
chapter. A calendar week with respect to which an individual 55699
earns remuneration but for which payment was not made within the 55700
base period, when necessary to qualify for benefit rights, may 55701
be considered to be a qualifying week. The number of qualifying 55702
weeks which may be established in a calendar quarter shall not 55703
exceed the number of calendar weeks in the quarter. 55704

(2) "Average weekly wage" means the amount obtained by 55705
dividing an individual's total remuneration for all qualifying 55706
weeks during the base period by the number of such qualifying 55707
weeks, provided that if the computation results in an amount 55708
that is not a multiple of one dollar, such amount shall be 55709
rounded to the next lower multiple of one dollar. 55710

(P) "Weekly benefit amount" means the amount of benefits 55711
an individual would be entitled to receive for one week of total 55712
unemployment. 55713

(Q) (1) "Base period" means the first four of the last five 55714
completed calendar quarters immediately preceding the first day 55715
of an individual's benefit year, except as provided in division 55716
(Q) (2) of this section. 55717

(2) If an individual does not have sufficient qualifying 55718
weeks and wages in the base period to qualify for benefit 55719
rights, the individual's base period shall be the four most 55720
recently completed calendar quarters preceding the first day of 55721
the individual's benefit year. Such base period shall be known 55722
as the "alternate base period." If information as to weeks and 55723

wages for the most recent quarter of the alternate base period 55724
is not available to the director from the regular quarterly 55725
reports of wage information, which are systematically 55726
accessible, the director may, consistent with the provisions of 55727
section 4141.28 of the Revised Code, base the determination of 55728
eligibility for benefits on the affidavit of the claimant with 55729
respect to weeks and wages for that calendar quarter. The 55730
claimant shall furnish payroll documentation, where available, 55731
in support of the affidavit. The determination based upon the 55732
alternate base period as it relates to the claimant's benefit 55733
rights, shall be amended when the quarterly report of wage 55734
information from the employer is timely received and that 55735
information causes a change in the determination. As provided in 55736
division (B) of section 4141.28 of the Revised Code, any 55737
benefits paid and charged to an employer's account, based upon a 55738
claimant's affidavit, shall be adjusted effective as of the 55739
beginning of the claimant's benefit year. No calendar quarter in 55740
a base period or alternate base period shall be used to 55741
establish a subsequent benefit year. 55742

(3) The "base period" of a combined wage claim, as 55743
described in division (H) of section 4141.43 of the Revised 55744
Code, shall be the base period prescribed by the law of the 55745
state in which the claim is allowed. 55746

(4) For purposes of determining the weeks that comprise a 55747
completed calendar quarter under this division, only those weeks 55748
ending at midnight Saturday within the calendar quarter shall be 55749
utilized. 55750

(R) (1) "Benefit year" with respect to an individual means 55751
the fifty-two week period beginning with the first day of that 55752
week with respect to which the individual first files a valid 55753

application for determination of benefit rights, and thereafter 55754
the fifty-two week period beginning with the first day of that 55755
week with respect to which the individual next files a valid 55756
application for determination of benefit rights after the 55757
termination of the individual's last preceding benefit year, 55758
except that the application shall not be considered valid unless 55759
the individual has had employment in six weeks that is subject 55760
to this chapter or the unemployment compensation act of another 55761
state, or the United States, and has, since the beginning of the 55762
individual's previous benefit year, in the employment earned 55763
three times the average weekly wage determined for the previous 55764
benefit year. The "benefit year" of a combined wage claim, as 55765
described in division (H) of section 4141.43 of the Revised 55766
Code, shall be the benefit year prescribed by the law of the 55767
state in which the claim is allowed. Any application for 55768
determination of benefit rights made in accordance with section 55769
4141.28 of the Revised Code is valid if the individual filing 55770
such application is unemployed, has been employed by an employer 55771
or employers subject to this chapter in at least twenty 55772
qualifying weeks within the individual's base period, and has 55773
earned or been paid remuneration at an average weekly wage of 55774
not less than twenty-seven and one-half per cent of the 55775
statewide average weekly wage for such weeks. For purposes of 55776
determining whether an individual has had sufficient employment 55777
since the beginning of the individual's previous benefit year to 55778
file a valid application, "employment" means the performance of 55779
services for which remuneration is payable. 55780

(2) Effective for benefit years beginning on and after 55781
December 26, 2004, but before July 1, 2022, any application for 55782
determination of benefit rights made in accordance with section 55783
4141.28 of the Revised Code is valid if the individual satisfies 55784

the criteria described in division (R) (1) of this section, and 55785
if the reason for the individual's separation from employment is 55786
not disqualifying pursuant to division (D) (2) of section 4141.29 55787
or section 4141.291 of the Revised Code. A disqualification 55788
imposed pursuant to division (D) (2) of section 4141.29 or 55789
section 4141.291 of the Revised Code must be removed as provided 55790
in those sections as a requirement of establishing a valid 55791
application for benefit years beginning on and after December 55792
26, 2004, but before July 1, 2022. Effective for benefit years 55793
beginning on and after July 1, 2022, any application for 55794
determination of benefit rights made in accordance with section 55795
4141.28 of the Revised Code is valid if the individual satisfies 55796
the criteria described in division (R) (1) of this section. A 55797
disqualification imposed pursuant to division (D) (2) of section 55798
4141.29 or section 4141.291 of the Revised Code does not affect 55799
the validity of an application. 55800

(3) The statewide average weekly wage shall be calculated 55801
by the director once a year based on the twelve-month period 55802
ending the thirtieth day of June, as set forth in division (B) 55803
(3) of section 4141.30 of the Revised Code, rounded down to the 55804
nearest dollar. Increases or decreases in the amount of 55805
remuneration required to have been earned or paid in order for 55806
individuals to have filed valid applications shall become 55807
effective on Sunday of the calendar week in which the first day 55808
of January occurs that follows the twelve-month period ending 55809
the thirtieth day of June upon which the calculation of the 55810
statewide average weekly wage was based. 55811

(4) As used in this division, an individual is 55812
"unemployed" if, with respect to the calendar week in which such 55813
application is filed, the individual is "partially unemployed" 55814
or "totally unemployed" as defined in this section or if, prior 55815

to filing the application, the individual was separated from the 55816
individual's most recent work for any reason which terminated 55817
the individual's employee-employer relationship, or was laid off 55818
indefinitely or for a definite period of seven or more days. 55819

(S) "Calendar quarter" means the period of three 55820
consecutive calendar months ending on the thirty-first day of 55821
March, the thirtieth day of June, the thirtieth day of 55822
September, and the thirty-first day of December, or the 55823
equivalent thereof as the director prescribes by rule. 55824

(T) "Computation date" means the first day of the third 55825
calendar quarter of any calendar year. 55826

(U) "Contribution period" means the calendar year 55827
beginning on the first day of January of any year. 55828

(V) "Agricultural labor," for the purpose of this 55829
division, means any service performed prior to January 1, 1972, 55830
which was agricultural labor as defined in this division prior 55831
to that date, and service performed after December 31, 1971: 55832

(1) On a farm, in the employ of any person, in connection 55833
with cultivating the soil, or in connection with raising or 55834
harvesting any agricultural or horticultural commodity, 55835
including the raising, shearing, feeding, caring for, training, 55836
and management of livestock, bees, poultry, and fur-bearing 55837
animals and wildlife; 55838

(2) In the employ of the owner or tenant or other operator 55839
of a farm in connection with the operation, management, 55840
conservation, improvement, or maintenance of such farm and its 55841
tools and equipment, or in salvaging timber or clearing land of 55842
brush and other debris left by hurricane, if the major part of 55843
such service is performed on a farm; 55844

(3) In connection with the production or harvesting of any commodity defined as an agricultural commodity in section 15 (g) of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 U.S.C. 1141j, as amended, or in connection with the ginning of cotton, or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways, not owned or operated for profit, used exclusively for supplying and storing water for farming purposes;

(4) In the employ of the operator of a farm in handling, planting, drying, packing, packaging, processing, freezing, grading, storing, or delivering to storage or to market or to a carrier for transportation to market, in its unmanufactured state, any agricultural or horticultural commodity, but only if the operator produced more than one half of the commodity with respect to which such service is performed;

(5) In the employ of a group of operators of farms, or a cooperative organization of which the operators are members, in the performance of service described in division (V) (4) of this section, but only if the operators produced more than one-half of the commodity with respect to which the service is performed;

(6) Divisions (V) (4) and (5) of this section shall not be deemed to be applicable with respect to service performed:

(a) In connection with commercial canning or commercial freezing or in connection with any agricultural or horticultural commodity after its delivery to a terminal market for distribution for consumption; or

(b) On a farm operated for profit if the service is not in the course of the employer's trade or business.

As used in division (V) of this section, "farm" includes

stock, dairy, poultry, fruit, fur-bearing animal, and truck 55874
farms, plantations, ranches, nurseries, ranges, greenhouses, or 55875
other similar structures used primarily for the raising of 55876
agricultural or horticultural commodities and orchards. 55877

(W) "Hospital" means an institution which has been 55878
registered or licensed by the Ohio department of health as a 55879
hospital. 55880

(X) "Nonprofit organization" means an organization, or 55881
group of organizations, described in section 501(c)(3) of the 55882
"Internal Revenue Code of 1954," and exempt from income tax 55883
under section 501(a) of that code. 55884

(Y) "Institution of higher education" means a public or 55885
nonprofit educational institution, including an educational 55886
institution operated by an Indian tribe, which: 55887

(1) Admits as regular students only individuals having a 55888
certificate of graduation from a high school, or the recognized 55889
equivalent; 55890

(2) Is legally authorized in this state or by the Indian 55891
tribe to provide a program of education beyond high school; and 55892

(3) Provides an educational program for which it awards a 55893
bachelor's or higher degree, or provides a program which is 55894
acceptable for full credit toward such a degree, a program of 55895
post-graduate or post-doctoral studies, or a program of training 55896
to prepare students for gainful employment in a recognized 55897
occupation. 55898

For the purposes of this division, all colleges and 55899
universities in this state are institutions of higher education. 55900

(Z) For the purposes of this chapter, "states" includes 55901

the District of Columbia, the Commonwealth of Puerto Rico, and 55902
the Virgin Islands. 55903

(AA) "Alien" means, for the purposes of division (A) (1) (d) 55904
of this section, an individual who is an alien admitted to the 55905
United States to perform service in agricultural labor pursuant 55906
to sections 214 (c) and 101 (a) (15) (H) of the "Immigration and 55907
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 55908

(BB) (1) "Crew leader" means an individual who furnishes 55909
individuals to perform agricultural labor for any other employer 55910
or farm operator, and: 55911

(a) Pays, either on the individual's own behalf or on 55912
behalf of the other employer or farm operator, the individuals 55913
so furnished by the individual for the service in agricultural 55914
labor performed by them; 55915

(b) Has not entered into a written agreement with the 55916
other employer or farm operator under which the agricultural 55917
worker is designated as in the employ of the other employer or 55918
farm operator. 55919

(2) For the purposes of this chapter, any individual who 55920
is a member of a crew furnished by a crew leader to perform 55921
service in agricultural labor for any other employer or farm 55922
operator shall be treated as an employee of the crew leader if: 55923

(a) The crew leader holds a valid certificate of 55924
registration under the "Farm Labor Contractor Registration Act 55925
of 1963," 90 Stat. 2668, 7 U.S.C. 2041; or 55926

(b) Substantially all the members of the crew operate or 55927
maintain tractors, mechanized harvesting or crop-dusting 55928
equipment, or any other mechanized equipment, which is provided 55929
by the crew leader; and 55930

(c) If the individual is not in the employment of the 55931
other employer or farm operator within the meaning of division 55932
(B) (1) of this section. 55933

(3) For the purposes of this division, any individual who 55934
is furnished by a crew leader to perform service in agricultural 55935
labor for any other employer or farm operator and who is not 55936
treated as in the employment of the crew leader under division 55937
(BB) (2) of this section shall be treated as the employee of the 55938
other employer or farm operator and not of the crew leader. The 55939
other employer or farm operator shall be treated as having paid 55940
cash remuneration to the individual in an amount equal to the 55941
amount of cash remuneration paid to the individual by the crew 55942
leader, either on the crew leader's own behalf or on behalf of 55943
the other employer or farm operator, for the service in 55944
agricultural labor performed for the other employer or farm 55945
operator. 55946

(CC) "Educational institution" means an institution other 55947
than an institution of higher education as defined in division 55948
(Y) of this section, including an educational institution 55949
operated by an Indian tribe, which: 55950

(1) Offers participants, trainees, or students an 55951
organized course of study or training designed to transfer to 55952
them knowledge, skills, information, doctrines, attitudes, or 55953
abilities from, by, or under the guidance of an instructor or 55954
teacher; and 55955

(2) Is approved, chartered, or issued a permit to operate 55956
as a school by the ~~state board~~ director of education and 55957
workforce, other government agency, or Indian tribe that is 55958
authorized within the state to approve, charter, or issue a 55959
permit for the operation of a school. 55960

For the purposes of this division, the courses of study or 55961
training which the institution offers may be academic, 55962
technical, trade, or preparation for gainful employment in a 55963
recognized occupation. 55964

(DD) "Cost savings day" means any unpaid day off from work 55965
in which employees continue to accrue employee benefits which 55966
have a determinable value including, but not limited to, 55967
vacation, pension contribution, sick time, and life and health 55968
insurance. 55969

(EE) "Motor carrier" has the same meaning as in section 55970
4923.01 of the Revised Code. 55971

Sec. 4141.47. (A) There is hereby created the auxiliary 55972
services personnel unemployment compensation fund, which shall 55973
not be a part of the state treasury. The fund shall consist of 55974
moneys paid into the fund pursuant to section 3317.06 of the 55975
Revised Code. The treasurer of state shall administer it in 55976
accordance with the directions of the director of job and family 55977
services. The director shall establish procedures under which 55978
school districts that are charged and have paid for unemployment 55979
benefits as reimbursing employers pursuant to this chapter for 55980
personnel employed pursuant to section 3317.06 of the Revised 55981
Code may apply for and receive reimbursement for those payments 55982
under this section. School districts are not entitled to 55983
reimbursement for any delinquency charges, except as otherwise 55984
provided by law. In the case of school districts electing to pay 55985
contributions under section 4141.242 of the Revised Code, the 55986
director shall establish procedures for reimbursement of the 55987
district from the fund of contributions made on wages earned by 55988
any auxiliary service personnel. 55989

(B) In the event of the termination of the auxiliary 55990

services program established pursuant to section 3317.06 of the Revised Code, and after the director has made reimbursement to school districts for all possible unemployment compensation claims of persons who were employed pursuant to section 3317.06 of the Revised Code, the director shall certify that fact to the treasurer of state, who shall then transfer all unexpended moneys in the auxiliary services personnel unemployment compensation fund to the general revenue fund. In the event the auxiliary services personnel unemployment compensation fund contains insufficient moneys to pay all valid claims by school districts for reimbursement pursuant to this section, the director shall estimate the total additional amount necessary to meet the liabilities of the fund and submit a request to the general assembly for an appropriation of that amount of money from the general revenue fund to the auxiliary services personnel unemployment compensation fund.

(C) All disbursements from the auxiliary services personnel unemployment compensation fund shall be paid by the treasurer of state on warrants drawn by the director. The warrants may bear the facsimile signature of the director printed thereon or that of a deputy or other employee of the director charged with the duty of keeping the account of the fund. Moneys in the fund shall be maintained in a separate account on the books of the depository bank. The money shall be secured by the depository bank to the same extent and in the same manner as required by Chapter 135. of the Revised Code. All sums recovered for losses sustained by the fund shall be deposited therein. The treasurer of state is liable on the treasurer of state's official bond for the faithful performance of the treasurer of state's duties in connection with the fund.

(D) All necessary and proper expenses incurred in

administering this section shall be paid to the director from 56022
the auxiliary services personnel unemployment compensation fund. 56023
For this purpose, there is hereby created in the state treasury 56024
the auxiliary services program administrative fund. The 56025
treasurer of state, pursuant to the warrant procedures specified 56026
in division (C) of this section, shall advance moneys as 56027
requested by the director from the auxiliary services personnel 56028
unemployment compensation fund to the auxiliary services program 56029
administrative fund. The director periodically may request the 56030
advance of such moneys as in the treasurer of state's opinion 56031
are needed to meet anticipated administrative expenses and may 56032
make disbursements from the auxiliary services program 56033
administrative fund to pay those expenses. 56034

(E) Upon receipt of a certification from the department of 56035
education and workforce regarding a refund to a board of 56036
education pursuant to section 3317.06 of the Revised Code, the 56037
director shall issue a refund in the amount certified to the 56038
board from the auxiliary services personnel unemployment 56039
compensation fund. 56040

Sec. 4506.09. (A) The registrar of motor vehicles, subject 56041
to approval by the director of public safety, shall adopt rules 56042
conforming with applicable standards adopted by the federal 56043
motor carrier safety administration as regulations under Pub. L. 56044
No. 103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 56045
31317. The rules shall establish requirements for the 56046
qualification and testing of persons applying for a commercial 56047
driver's license, which are in addition to other requirements 56048
established by this chapter. Except as provided in division (B) 56049
of this section, the highway patrol or any other employee of the 56050
department of public safety the registrar authorizes shall 56051
supervise and conduct the testing of persons applying for a 56052

commercial driver's license. 56053

(B) The director may adopt rules, in accordance with 56054
Chapter 119. of the Revised Code and applicable requirements of 56055
the federal motor carrier safety administration, authorizing the 56056
skills test specified in this section to be administered by any 56057
person, by an agency of this or another state, or by an agency, 56058
department, or instrumentality of local government. Each party 56059
authorized under this division to administer the skills test may 56060
charge a maximum divisible fee of one hundred fifteen dollars 56061
for each skills test given as part of a commercial driver's 56062
license examination. The fee shall consist of not more than 56063
twenty-seven dollars for the pre-trip inspection portion of the 56064
test, not more than twenty-seven dollars for the off-road 56065
maneuvering portion of the test, and not more than sixty-one 56066
dollars for the on-road portion of the test. Each such party may 56067
require an appointment fee in the same manner provided in 56068
division (E) (2) of this section, except that the maximum amount 56069
such a party may require as an appointment fee is one hundred 56070
fifteen dollars. The skills test administered by another party 56071
under this division shall be the same as otherwise would be 56072
administered by this state. The other party shall enter into an 56073
agreement with the director that, without limitation, does all 56074
of the following: 56075

(1) Allows the director or the director's representative 56076
and the federal motor carrier safety administration or its 56077
representative to conduct random examinations, inspections, and 56078
audits of the other party, whether covert or overt, without 56079
prior notice; 56080

(2) Requires the director or the director's representative 56081
to conduct on-site inspections of the other party at least 56082

annually; 56083

(3) Requires that all examiners of the other party meet 56084
the same qualification and training standards as examiners of 56085
the department of public safety, including criminal background 56086
checks, to the extent necessary to conduct skills tests in the 56087
manner required by 49 C.F.R. 383.110 through 383.135. In 56088
accordance with federal guidelines, any examiner employed on 56089
July 1, 2017, shall have a criminal background check conducted 56090
at least once, and any examiner hired after July 1, 2015, shall 56091
have a criminal background check conducted after the examiner is 56092
initially hired. 56093

(4) Requires either that state employees take, at least 56094
annually and as though the employees were test applicants, the 56095
tests actually administered by the other party, that the 56096
director test a sample of drivers who were examined by the other 56097
party to compare the test results, or that state employees 56098
accompany a test applicant during an actual test; 56099

(5) Unless the other party is a governmental entity, 56100
requires the other party to initiate and maintain a bond in an 56101
amount determined by the director to sufficiently pay for the 56102
retesting of drivers in the event that the other party or its 56103
skills test examiners are involved in fraudulent activities 56104
related to skills testing; 56105

(6) Requires the other party to use only skills test 56106
examiners who have successfully completed a commercial driver's 56107
license examiner training course as prescribed by the director, 56108
and have been certified by the state as a commercial driver's 56109
license skills test examiner qualified to administer skills 56110
tests; 56111

- (7) Requires the other party to use designated road test routes that have been approved by the director; 56112
56113
- (8) Requires the other party to submit a schedule of skills test appointments to the director not later than two business days prior to each skills test; 56114
56115
56116
- (9) Requires the other party to maintain copies of the following records at its principal place of business: 56117
56118
- (a) The other party's commercial driver's license skills testing program certificate; 56119
56120
- (b) Each skills test examiner's certificate of authorization to administer skills tests for the classes and types of commercial motor vehicles listed in the certificate; 56121
56122
56123
- (c) Each completed skills test scoring sheet for the current calendar year as well as the prior two calendar years; 56124
56125
- (d) A complete list of the test routes that have been approved by the director; 56126
56127
- (e) A complete and accurate copy of each examiner's training record. 56128
56129
- (10) If the other party also is a driver training school, prohibits its skills test examiners from administering skills tests to applicants that the examiner personally trained; 56130
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56132
- (11) Requires each skills test examiner to administer a complete skills test to a minimum of thirty-two different individuals per calendar year; 56133
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56135
- (12) Reserves to this state the right to take prompt and appropriate remedial action against the other party and its skills test examiners if the other party or its skills test 56136
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examiners fail to comply with standards of this state or federal 56139
standards for the testing program or with any other terms of the 56140
contract. 56141

(C) The director shall enter into an agreement with the 56142
department of education and workforce authorizing the skills 56143
test specified in this section to be administered by the 56144
department at any location operated by the department for 56145
purposes of training and testing school bus drivers, provided 56146
that the agreement between the director and the department 56147
complies with the requirements of division (B) of this section. 56148
Skills tests administered by the department shall be limited to 56149
persons applying for a commercial driver's license with a school 56150
bus endorsement. 56151

(D) (1) The director shall adopt rules, in accordance with 56152
Chapter 119. of the Revised Code, authorizing waiver of the 56153
skills test specified in this section for any applicant for a 56154
commercial driver's license who meets all of the following 56155
requirements: 56156

(a) As authorized under 49 C.F.R. 383.77, the applicant 56157
operates a commercial motor vehicle for military purposes and is 56158
one of the following: 56159

(i) Active duty military personnel; 56160

(ii) A member of the military reserves; 56161

(iii) A member of the national guard on active duty, 56162
including full-time national guard duty, part-time national 56163
guard training, and national guard military technicians; 56164

(iv) Active duty U.S. coast guard personnel. 56165

(b) The applicant certifies that, during the two-year 56166

period immediately preceding application for a commercial driver's license, all of the following apply:

(i) The applicant has not had more than one license, excluding any military license.

(ii) The applicant has not had any license suspended, revoked, or canceled.

(iii) The applicant has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code.

(iv) The applicant has not had more than one conviction for any type of motor vehicle for a serious traffic violation.

(v) The applicant has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.

(c) In accordance with rules adopted by the director, the applicant certifies and also provides evidence of all of the following:

(i) That the applicant is or was regularly employed in a military position requiring operation of a commercial motor vehicle;

(ii) That the applicant was exempt from the requirements of this chapter under division (B) (6) of section 4506.03 of the Revised Code;

(iii) That, for at least two years immediately preceding the date of application or at least two years immediately

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preceding the date the applicant separated from military service 56195
or employment, the applicant regularly operated a vehicle 56196
representative of the commercial motor vehicle type that the 56197
applicant operates or expects to operate. 56198

(2) The waiver established under division (D)(1) of this 56199
section does not apply to United States reserve technicians. 56200

(E)(1) The department of public safety may charge and 56201
collect a divisible fee of fifty dollars for each skills test 56202
given as part of a commercial driver's license examination. The 56203
fee shall consist of ten dollars for the pre-trip inspection 56204
portion of the test, ten dollars for the off-road maneuvering 56205
portion of the test, and thirty dollars for the on-road portion 56206
of the test. 56207

(2) No applicant is eligible to take the skills test until 56208
a minimum of fourteen days have elapsed since the initial 56209
issuance of a commercial driver's license temporary instruction 56210
permit to the applicant. The director may require an applicant 56211
for a commercial driver's license who schedules an appointment 56212
with the highway patrol or other authorized employee of the 56213
department of public safety to take all portions of the skills 56214
test and to pay an appointment fee of fifty dollars at the time 56215
of scheduling the appointment. If the applicant appears at the 56216
time and location specified for the appointment and takes all 56217
portions of the skills test during that appointment, the 56218
appointment fee serves as the skills test fee. If the applicant 56219
schedules an appointment to take all portions of the skills test 56220
and fails to appear at the time and location specified for the 56221
appointment, the director shall not refund any portion of the 56222
appointment fee. If the applicant schedules an appointment to 56223
take all portions of the skills test and appears at the time and 56224

location specified for the appointment, but declines or is 56225
unable to take all portions of the skills test, the director 56226
shall not refund any portion of the appointment fee. If the 56227
applicant cancels a scheduled appointment forty-eight hours or 56228
more prior to the time of the appointment time, the applicant 56229
shall not forfeit the appointment fee. 56230

An applicant for a commercial driver's license who 56231
schedules an appointment to take one or more, but not all, 56232
portions of the skills test is required to pay an appointment 56233
fee equal to the costs of each test scheduled, as prescribed in 56234
division (E)(1) of this section, when scheduling such an 56235
appointment. If the applicant appears at the time and location 56236
specified for the appointment and takes all the portions of the 56237
skills test during that appointment that the applicant was 56238
scheduled to take, the appointment fee serves as the skills test 56239
fee. If the applicant schedules an appointment to take one or 56240
more, but not all, portions of the skills test and fails to 56241
appear at the time and location specified for the appointment, 56242
the director shall not refund any portion of the appointment 56243
fee. If the applicant schedules an appointment to take one or 56244
more, but not all, portions of the skills test and appears at 56245
the time and location specified for the appointment, but 56246
declines or is unable to take all portions of the skills test 56247
that the applicant was scheduled to take, the director shall not 56248
refund any portion of the appointment fee. If the applicant 56249
cancels a scheduled appointment forty-eight hours or more prior 56250
to the time of the appointment time, the applicant shall not 56251
forfeit the appointment fee. 56252

(3) The department of public safety shall deposit all fees 56253
it collects under division (E) of this section in the public 56254
safety - highway purposes fund established in section 4501.06 of 56255

the Revised Code. 56256

(F) (1) Unless an applicant for a commercial driver's 56257
license has successfully completed the training required under 56258
49 C.F.R. 380, subpart F, the applicant is not eligible to do 56259
any of the following: 56260

(a) Take the skills test required for initial issuance of 56261
a class A or a class B commercial driver's license; 56262

(b) Take the skills test required for initial issuance of 56263
a passenger (P) or school bus (S) endorsement on the applicant's 56264
commercial driver's license; 56265

(c) Take the knowledge test required for initial issuance 56266
of a hazardous materials (H) endorsement on the applicant's 56267
commercial driver's license. 56268

Before an applicant takes the applicable skills or 56269
knowledge test, the registrar shall electronically verify, 56270
through the federal motor carrier safety administration's 56271
training provider registry, that an applicant has completed the 56272
required training under 49 C.F.R. 380, subpart F. 56273

(2) The training required under 49 C.F.R. 380, subpart F, 56274
and under division (F) (1) of this section may be provided by 56275
either of the following: 56276

(a) A driver training school pursuant to section 4508.031 56277
of the Revised Code; 56278

(b) An authorized driver training provider listed on the 56279
federal motor carrier safety administration's training provider 56280
registry. 56281

(G) A person who has successfully completed commercial 56282
driver's license training in this state but seeks a commercial 56283

driver's license in another state where the person is domiciled 56284
may schedule an appointment to take the skills test in this 56285
state and shall pay the appropriate appointment fee. Upon the 56286
person's completion of the skills test, this state shall 56287
electronically transmit the applicant's results to the state 56288
where the person is domiciled. If a person who is domiciled in 56289
this state takes a skills test in another state, this state 56290
shall accept the results of the skills test from the other 56291
state. If the person passed the other state's skills test and 56292
meets all of the other licensing requirements set forth in this 56293
chapter and rules adopted under this chapter, the registrar of 56294
motor vehicles or a deputy registrar shall issue a commercial 56295
driver's license to that person. 56296

(H) Unless otherwise specified, the director or the 56297
director's representative shall conduct the examinations, 56298
inspections, audits, and test monitoring set forth in divisions 56299
(B) (2), (3), and (4) of this section at least annually. If the 56300
other party or any of its skills test examiners fail to comply 56301
with state or federal standards for the skills testing program, 56302
the director or the director's representative shall take prompt 56303
and appropriate remedial action against the party and its skills 56304
test examiners. Remedial action may include termination of the 56305
agreement or revocation of a skills test examiner's 56306
certification. 56307

(I) As used in this section, "skills test" means a test of 56308
an applicant's ability to drive the type of commercial motor 56309
vehicle for which the applicant seeks a commercial driver's 56310
license by having the applicant drive such a motor vehicle while 56311
under the supervision of an authorized state driver's license 56312
examiner or tester. 56313

Sec. 4506.10. (A) No person who holds a valid commercial driver's license shall drive a commercial motor vehicle unless the person is physically qualified to do so.

(1) Any person applying for a commercial driver's license or commercial driver's license temporary instruction permit, the renewal or upgrade of a commercial driver's license or commercial driver's license temporary instruction permit, or the transfer of a commercial driver's license from out of state shall self-certify to the registrar for purposes of 49 C.F.R. 383.71, one of the following in regard to the applicant's operation of a commercial motor vehicle, as applicable:

(a) (i) If the applicant operates or expects to operate a commercial motor vehicle in interstate or foreign commerce and is subject to and meets the requirements under 49 C.F.R. part 391, the applicant shall self-certify that the applicant is non-excepted interstate and shall provide the registrar with the original or a copy of a medical examiner's certificate and each subsequently issued medical examiner's certificate prepared by a qualified medical examiner to maintain a medically certified status on the applicant's commercial driver licensing system driver record;

(ii) If the applicant operates or expects to operate a commercial motor vehicle in interstate commerce, but engages in transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R. part 391, the applicant shall self-certify that the applicant is excepted interstate and is not required to obtain a medical examiner's certificate.

(b) (i) If the applicant operates only in intrastate commerce and is subject to state driver qualification

requirements, the applicant shall self-certify that the 56344
applicant is non-excepted intrastate; 56345

(ii) If the applicant operates only in intrastate commerce 56346
and is excepted from all or parts of the state driver 56347
qualification requirements, the applicant shall self-certify 56348
that the applicant is excepted intrastate. 56349

(2) Notwithstanding the expiration date on a person's 56350
commercial driver's license or commercial driver's license 56351
temporary instruction permit, every commercial driver's license 56352
or commercial driver's license temporary instruction permit 56353
holder shall provide the registrar with the certification 56354
required by this section, on or after January 30, 2012, but 56355
prior to January 30, 2014. 56356

(B) A person is qualified to drive a school bus if the 56357
person holds a valid commercial driver's license along with the 56358
proper endorsements, and if the person has been certified as 56359
medically qualified in accordance with rules adopted by the 56360
department of education and workforce. 56361

(C) (1) Except as provided in division (C) (2) of this 56362
section, only a medical examiner who is listed on the national 56363
registry of certified medical examiners established by the 56364
federal motor carrier safety administration shall perform a 56365
medical examination required by this section. 56366

(2) A person licensed under Chapter 4725. of the Revised 56367
Code to practice optometry in this state, or licensed under any 56368
similar law of another state, may perform any part of an 56369
examination required by this section that pertains to visual 56370
acuity, field of vision, and the ability to recognize colors. 56371

(3) The individual who performed an examination conducted 56372

pursuant to this section shall complete any written 56373
documentation of a physical examination on a form that 56374
substantially complies with the requirements of 49 C.F.R. 56375
391.43(h) . 56376

(D) Whenever good cause appears, the registrar, upon 56377
issuing a commercial driver's license or commercial driver's 56378
license temporary instruction permit under this chapter, may 56379
impose restrictions suitable to the licensee's driving ability 56380
with respect to the type of motor vehicle or special mechanical 56381
control devices required on a motor vehicle that the licensee 56382
may operate, or such other restrictions applicable to the 56383
licensee as the registrar determines to be necessary. 56384

The registrar may either issue a special restricted 56385
license or may set forth upon the usual license form the 56386
restrictions imposed. 56387

The registrar, upon receiving satisfactory evidence of any 56388
violation of the restrictions of the license, may impose a class 56389
D license suspension of the license for the period of time 56390
specified in division (B) (4) of section 4510.02 of the Revised 56391
Code. 56392

The registrar, upon receiving satisfactory evidence that 56393
an applicant or holder of a commercial driver's license or 56394
commercial driver's license temporary instruction permit has 56395
violated division (A) (4) of section 4506.04 of the Revised Code 56396
and knowingly given false information in any application or 56397
certification required by section 4506.07 of the Revised Code, 56398
shall cancel the person's commercial driver's license or 56399
commercial driver's license temporary instruction permit or any 56400
pending application from the person for a commercial driver's 56401
license, commercial driver's license temporary instruction 56402

permit, or class D driver's license for a period of at least 56403
sixty days, during which time no application for a commercial 56404
driver's license, commercial driver's license temporary 56405
instruction permit, or class D driver's license shall be 56406
received from the person. 56407

(E) Whoever violates this section is guilty of a 56408
misdemeanor of the first degree. 56409

Sec. 4507.21. (A) Except as provided in section 4507.061 56410
of the Revised Code, each applicant for a driver's license shall 56411
file an application in the office of the registrar of motor 56412
vehicles or of a deputy registrar. 56413

(B) (1) Each person under eighteen years of age applying 56414
for a driver's license issued in this state shall present 56415
satisfactory evidence of having successfully completed any one 56416
of the following: 56417

(a) A driver education course approved by the state 56418
department of education and workforce prior to December 31, 56419
2003. 56420

(b) A driver training course approved by the director of 56421
public safety. 56422

(c) A driver training course comparable to a driver 56423
education or driver training course described in division (B) (1) 56424
(a) or (b) of this section and administered by a branch of the 56425
armed forces of the United States and completed by the applicant 56426
while residing outside this state for the purpose of being with 56427
or near any person serving in the armed forces of the United 56428
States. 56429

(2) Each person under eighteen years of age applying for a 56430
driver's license also shall present, on a form prescribed by the 56431

registrar, an affidavit signed by an eligible adult attesting 56432
that the person has acquired at least fifty hours of actual 56433
driving experience, with at least ten of those hours being at 56434
night. 56435

(C) (1) An applicant for an initial driver's license shall 56436
present satisfactory evidence of successful completion of the 56437
abbreviated driver training course for adults, approved by the 56438
director of public safety under section 4508.02 of the Revised 56439
Code, if all of the following apply: 56440

(a) The applicant is eighteen years of age or older. 56441

(b) The applicant failed the road or maneuverability test 56442
required under division (A) (2) of section 4507.11 of the Revised 56443
Code. 56444

(c) In the twelve months immediately preceding the date of 56445
application, the applicant has not successfully completed a 56446
driver training course. 56447

(2) An applicant shall present satisfactory evidence as 56448
required under division (C) (1) of this section prior to 56449
attempting the test a second or subsequent time. 56450

(D) If the registrar or deputy registrar determines that 56451
the applicant is entitled to the driver's license, it shall be 56452
issued. If the application shows that the applicant's license 56453
has been previously canceled or suspended, the deputy registrar 56454
shall forward the application to the registrar, who shall 56455
determine whether the license shall be granted. 56456

(E) An applicant shall file an application under this 56457
section in duplicate, and the deputy registrar issuing the 56458
license shall immediately forward to the office of the registrar 56459
the original copy of the application, together with the 56460

duplicate copy of any certificate of completion if issued for 56461
purposes of division (B) of this section. The registrar shall 56462
prescribe rules as to the manner in which the deputy registrar 56463
files and maintains the applications and other records. The 56464
registrar shall file every application for a driver's or 56465
commercial driver's license and index them by name and number, 56466
and shall maintain a suitable record of all licenses issued, all 56467
convictions and bond forfeitures, all applications for licenses 56468
denied, and all licenses that have been suspended or canceled. 56469

(F) For purposes of section 2313.06 of the Revised Code, 56470
the registrar shall maintain accurate and current lists of the 56471
residents of each county who are eighteen years of age or older, 56472
have been issued, on and after January 1, 1984, driver's or 56473
commercial driver's licenses that are valid and current, and 56474
would be electors if they were registered to vote, regardless of 56475
whether they actually are registered to vote. The lists shall 56476
contain the names, addresses, dates of birth, duration of 56477
residence in this state, citizenship status, and social security 56478
numbers, if the numbers are available, of the licensees, and may 56479
contain any other information that the registrar considers 56480
suitable. 56481

(G) Each person under eighteen years of age applying for a 56482
motorcycle operator's endorsement or a restricted license 56483
enabling the applicant to operate a motorcycle shall present 56484
satisfactory evidence of having completed the courses of 56485
instruction in the motorcycle safety and education program 56486
described in section 4508.08 of the Revised Code or a comparable 56487
course of instruction administered by a branch of the armed 56488
forces of the United States and completed by the applicant while 56489
residing outside this state for the purpose of being with or 56490
near any person serving in the armed forces of the United 56491

States. If the registrar or deputy registrar then determines 56492
that the applicant is entitled to the endorsement or restricted 56493
license, it shall be issued. 56494

(H) No person shall knowingly make a false statement in an 56495
affidavit presented in accordance with division (B) (2) of this 56496
section. 56497

(I) As used in this section, "eligible adult" means any of 56498
the following persons: 56499

(1) A parent, guardian, or custodian of the applicant; 56500

(2) A person over the age of twenty-one who acts in loco 56501
parentis of the applicant and who maintains proof of financial 56502
responsibility with respect to the operation of a motor vehicle 56503
owned by the applicant or with respect to the applicant's 56504
operation of any motor vehicle. 56505

(J) Whoever violates division (H) of this section is 56506
guilty of a minor misdemeanor and shall be fined one hundred 56507
dollars. 56508

Sec. 4508.01. As used in this chapter: 56509

(A) "Beginning driver" means any person being trained to 56510
drive a particular motor vehicle who has not been previously 56511
licensed to drive that motor vehicle by any state or country. 56512

(B) "Disabled person" means a person who, in the opinion 56513
of the registrar of motor vehicles, is afflicted with or 56514
suffering from a physical or mental disability or disease that 56515
prevents the person, in the absence of special training or 56516
equipment, from exercising reasonable and ordinary control over 56517
a motor vehicle while operating the vehicle upon the highways. 56518
"Disabled person" does not mean any person who is or has been 56519

subject to any condition resulting in episodic impairment of 56520
consciousness or loss of muscular control and whose condition, 56521
in the opinion of the registrar, is dormant or is sufficiently 56522
under medical control that the person is capable of exercising 56523
reasonable and ordinary control over a motor vehicle. 56524

(C) "Driver training school" or "school" means any of the 56525
following: 56526

(1) A private business enterprise conducted by an 56527
individual, association, partnership, or corporation for the 56528
education and training of persons to operate or drive motor 56529
vehicles, that does any of the following: 56530

(a) Uses public streets or highways to provide training 56531
and charges a consideration or tuition for such services; 56532

(b) Provides an online driver education course approved by 56533
the director of public safety pursuant to division (A)(2) of 56534
section 4508.02 of the Revised Code and charges a consideration 56535
or tuition for the course; 56536

(c) Provides an abbreviated driver training course for 56537
adults that is approved by the director pursuant to division (F) 56538
of section 4508.02 of the Revised Code and charges a 56539
consideration or tuition for the course. 56540

(2) A lead school district as provided in section 4508.09 56541
of the Revised Code; 56542

(3) A board of education of a city, exempted village, 56543
local, or joint vocational school district or the governing 56544
board of an educational service center that offers a driver 56545
education course for high school students enrolled in the 56546
district or in a district served by the educational service 56547
center. 56548

(D) "Instructor" means any person, whether acting for self 56549
as operator of a driver training school or for such a school for 56550
compensation, who teaches, conducts classes of, gives 56551
demonstrations to, or supervises practice of, persons learning 56552
to operate or drive motor vehicles. 56553

(E) "Lead school district" means a school district, 56554
including a joint vocational school district, designated by the 56555
department of education and workforce as either a vocational 56556
education planning district itself or as responsible for 56557
providing primary vocational education leadership within a 56558
vocational education planning district that is composed of a 56559
group of districts. A "vocational education planning district" 56560
is a school district or group of school districts designated by 56561
the department as responsible for planning and providing 56562
vocational education services to students within the district or 56563
group of districts. 56564

Sec. 4511.21. (A) No person shall operate a motor vehicle, 56565
trackless trolley, or streetcar at a speed greater or less than 56566
is reasonable or proper, having due regard to the traffic, 56567
surface, and width of the street or highway and any other 56568
conditions, and no person shall drive any motor vehicle, 56569
trackless trolley, or streetcar in and upon any street or 56570
highway at a greater speed than will permit the person to bring 56571
it to a stop within the assured clear distance ahead. 56572

(B) It is prima-facie lawful, in the absence of a lower 56573
limit declared or established pursuant to this section by the 56574
director of transportation or local authorities, for the 56575
operator of a motor vehicle, trackless trolley, or streetcar to 56576
operate the same at a speed not exceeding the following: 56577

(1) (a) Twenty miles per hour in school zones during school 56578

recess and while children are going to or leaving school during 56579
the opening or closing hours, and when twenty miles per hour 56580
school speed limit signs are erected; except that, on 56581
controlled-access highways and expressways, if the right-of-way 56582
line fence has been erected without pedestrian opening, the 56583
speed shall be governed by division (B)(4) of this section and 56584
on freeways, if the right-of-way line fence has been erected 56585
without pedestrian opening, the speed shall be governed by 56586
divisions (B)(10) and (11) of this section. The end of every 56587
school zone may be marked by a sign indicating the end of the 56588
zone. Nothing in this section or in the manual and 56589
specifications for a uniform system of traffic control devices 56590
shall be construed to require school zones to be indicated by 56591
signs equipped with flashing or other lights, or giving other 56592
special notice of the hours in which the school zone speed limit 56593
is in effect. 56594

(b) As used in this section and in section 4511.212 of the 56595
Revised Code, "school" means all of the following: 56596

(i) Any school chartered under section 3301.16 of the 56597
Revised Code; 56598

(ii) Any nonchartered school that during the preceding 56599
year filed with the department of education and workforce in 56600
compliance with rule 3301-35-08 of the Ohio Administrative Code, 56601
a copy of the school's report for the parents of the school's 56602
pupils certifying that the school meets Ohio minimum standards 56603
for nonchartered, nontax-supported schools and presents evidence 56604
of this filing to the jurisdiction from which it is requesting 56605
the establishment of a school zone; 56606

(iii) Any special elementary school that in writing 56607
requests the county engineer of the county in which the special 56608

elementary school is located to create a school zone at the 56609
location of that school. Upon receipt of such a written request, 56610
the county engineer shall create a school zone at that location 56611
by erecting the appropriate signs. 56612

(iv) Any preschool education program operated by an 56613
educational service center that is located on a street or 56614
highway with a speed limit of forty-five miles per hour or more, 56615
when the educational service center in writing requests that the 56616
county engineer of the county in which the program is located 56617
create a school zone at the location of that program. Upon 56618
receipt of such a written request, the county engineer shall 56619
create a school zone at that location by erecting the 56620
appropriate signs. 56621

(c) As used in this section, "school zone" means that 56622
portion of a street or highway passing a school fronting upon 56623
the street or highway that is encompassed by projecting the 56624
school property lines to the fronting street or highway, and 56625
also includes that portion of a state highway. Upon request from 56626
local authorities for streets and highways under their 56627
jurisdiction and that portion of a state highway under the 56628
jurisdiction of the director of transportation or a request from 56629
a county engineer in the case of a school zone for a special 56630
elementary school, the director may extend the traditional 56631
school zone boundaries. The distances in divisions (B) (1) (c) (i), 56632
(ii), and (iii) of this section shall not exceed three hundred 56633
feet per approach per direction and are bounded by whichever of 56634
the following distances or combinations thereof the director 56635
approves as most appropriate: 56636

(i) The distance encompassed by projecting the school 56637
building lines normal to the fronting highway and extending a 56638

distance of three hundred feet on each approach direction; 56639

(ii) The distance encompassed by projecting the school 56640
property lines intersecting the fronting highway and extending a 56641
distance of three hundred feet on each approach direction; 56642

(iii) The distance encompassed by the special marking of 56643
the pavement for a principal school pupil crosswalk plus a 56644
distance of three hundred feet on each approach direction of the 56645
highway. 56646

Nothing in this section shall be construed to invalidate 56647
the director's initial action on August 9, 1976, establishing 56648
all school zones at the traditional school zone boundaries 56649
defined by projecting school property lines, except when those 56650
boundaries are extended as provided in divisions (B) (1) (a) and 56651
(c) of this section. 56652

(d) As used in this division, "crosswalk" has the meaning 56653
given that term in division (LL) (2) of section 4511.01 of the 56654
Revised Code. 56655

The director may, upon request by resolution of the 56656
legislative authority of a municipal corporation, the board of 56657
trustees of a township, or a county board of developmental 56658
disabilities created pursuant to Chapter 5126. of the Revised 56659
Code, and upon submission by the municipal corporation, 56660
township, or county board of such engineering, traffic, and 56661
other information as the director considers necessary, designate 56662
a school zone on any portion of a state route lying within the 56663
municipal corporation, lying within the unincorporated territory 56664
of the township, or lying adjacent to the property of a school 56665
that is operated by such county board, that includes a crosswalk 56666
customarily used by children going to or leaving a school during 56667

recess and opening and closing hours, whenever the distance, as 56668
measured in a straight line, from the school property line 56669
nearest the crosswalk to the nearest point of the crosswalk is 56670
no more than one thousand three hundred twenty feet. Such a 56671
school zone shall include the distance encompassed by the 56672
crosswalk and extending three hundred feet on each approach 56673
direction of the state route. 56674

(e) As used in this section, "special elementary school" 56675
means a school that meets all of the following criteria: 56676

(i) It is not chartered and does not receive tax revenue 56677
from any source. 56678

(ii) It does not educate children beyond the eighth grade. 56679

(iii) It is located outside the limits of a municipal 56680
corporation. 56681

(iv) A majority of the total number of students enrolled 56682
at the school are not related by blood. 56683

(v) The principal or other person in charge of the special 56684
elementary school annually sends a report to the superintendent 56685
of the school district in which the special elementary school is 56686
located indicating the total number of students enrolled at the 56687
school, but otherwise the principal or other person in charge 56688
does not report any other information or data to the 56689
superintendent. 56690

(2) Twenty-five miles per hour in all other portions of a 56691
municipal corporation, except on state routes outside business 56692
districts, through highways outside business districts, and 56693
alleys; 56694

(3) Thirty-five miles per hour on all state routes or 56695

through highways within municipal corporations outside business districts, except as provided in divisions (B) (4) and (6) of this section;

(4) Fifty miles per hour on controlled-access highways and expressways within municipal corporations, except as provided in divisions (B) (12), (13), (14), (15), and (16) of this section;

(5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B) (8) of this section, highways as provided in divisions (B) (9) and (10) of this section, and highways, expressways, and freeways as provided in divisions (B) (12), (13), (14), and (16) of this section;

(6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;

(7) Fifteen miles per hour on all alleys within the municipal corporation;

(8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;

(9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties;

(10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H) (2) of this section;

(11) Fifty-five miles per hour on freeways with paved shoulders inside municipal corporations, other than freeways as

provided in divisions (B) (14) and (16) of this section;	56724
(12) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (B) (13) and (14) of this section;	56725 56726 56727 56728
(13) Sixty-five miles per hour on all rural expressways without traffic control signals;	56729 56730
(14) Seventy miles per hour on all rural freeways;	56731
(15) Fifty-five miles per hour on all portions of freeways or expressways in congested areas as determined by the director and that are located within a municipal corporation or within an interstate freeway outerbelt, except as provided in division (B) (16) of this section;	56732 56733 56734 56735 56736
(16) Sixty-five miles per hour on all portions of freeways or expressways without traffic control signals in urbanized areas.	56737 56738 56739
(C) It is prima-facie unlawful for any person to exceed any of the speed limitations in divisions (B) (1) (a), (2), (3), (4), (6), (7), (8), and (9) of this section, or any declared or established pursuant to this section by the director or local authorities and it is unlawful for any person to exceed any of the speed limitations in division (D) of this section. No person shall be convicted of more than one violation of this section for the same conduct, although violations of more than one provision of this section may be charged in the alternative in a single affidavit.	56740 56741 56742 56743 56744 56745 56746 56747 56748 56749
(D) No person shall operate a motor vehicle, trackless trolley, or streetcar upon a street or highway as follows:	56750 56751

(1) At a speed exceeding fifty-five miles per hour, except upon a two-lane state route as provided in division (B) (10) of this section and upon a highway, expressway, or freeway as provided in divisions (B) (12), (13), (14), and (16) of this section;

(2) At a speed exceeding sixty miles per hour upon a two-lane state route as provided in division (B) (10) of this section and upon a highway as provided in division (B) (12) of this section;

(3) At a speed exceeding sixty-five miles per hour upon an expressway as provided in division (B) (13) or upon a freeway as provided in division (B) (16) of this section, except upon a freeway as provided in division (B) (14) of this section;

(4) At a speed exceeding seventy miles per hour upon a freeway as provided in division (B) (14) of this section;

(5) At a speed exceeding the posted speed limit upon a highway, expressway, or freeway for which the director has determined and declared a speed limit pursuant to division (I) (2) or (L) (2) of this section.

(E) In every charge of violation of this section the affidavit and warrant shall specify the time, place, and speed at which the defendant is alleged to have driven, and in charges made in reliance upon division (C) of this section also the speed which division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or established pursuant to, this section declares is prima-facie lawful at the time and place of such alleged violation, except that in affidavits where a person is alleged to have driven at a greater speed than will permit the person to bring the vehicle to a stop within the assured

clear distance ahead the affidavit and warrant need not specify 56781
the speed at which the defendant is alleged to have driven. 56782

(F) When a speed in excess of both a prima-facie 56783
limitation and a limitation in division (D) of this section is 56784
alleged, the defendant shall be charged in a single affidavit, 56785
alleging a single act, with a violation indicated of both 56786
division (B) (1) (a), (2), (3), (4), (6), (7), (8), or (9) of this 56787
section, or of a limit declared or established pursuant to this 56788
section by the director or local authorities, and of the 56789
limitation in division (D) of this section. If the court finds a 56790
violation of division (B) (1) (a), (2), (3), (4), (6), (7), (8), 56791
or (9) of, or a limit declared or established pursuant to, this 56792
section has occurred, it shall enter a judgment of conviction 56793
under such division and dismiss the charge under division (D) of 56794
this section. If it finds no violation of division (B) (1) (a), 56795
(2), (3), (4), (6), (7), (8), or (9) of, or a limit declared or 56796
established pursuant to, this section, it shall then consider 56797
whether the evidence supports a conviction under division (D) of 56798
this section. 56799

(G) Points shall be assessed for violation of a limitation 56800
under division (D) of this section in accordance with section 56801
4510.036 of the Revised Code. 56802

(H) (1) Whenever the director determines upon the basis of 56803
criteria established by an engineering study, as defined by the 56804
director, that any speed limit set forth in divisions (B) (1) (a) 56805
to (D) of this section is greater or less than is reasonable or 56806
safe under the conditions found to exist at any portion of a 56807
street or highway under the jurisdiction of the director, the 56808
director shall determine and declare a reasonable and safe 56809
prima-facie speed limit, which shall be effective when 56810

appropriate signs giving notice of it are erected at the 56811
location. 56812

(2) Whenever the director determines upon the basis of 56813
criteria established by an engineering study, as defined by the 56814
director, that the speed limit of fifty-five miles per hour on a 56815
two-lane state route outside a municipal corporation is less 56816
than is reasonable or safe under the conditions found to exist 56817
at that portion of the state route, the director may determine 56818
and declare a speed limit of sixty miles per hour for that 56819
portion of the state route, which shall be effective when 56820
appropriate signs giving notice of it are erected at the 56821
location. 56822

(3) (a) For purposes of the safe and orderly movement of 56823
traffic upon any portion of a street or highway under the 56824
jurisdiction of the director, the director may establish a 56825
variable speed limit that is different than the speed limit 56826
established by or under this section on all or portions of 56827
interstate six hundred seventy, interstate two hundred seventy- 56828
five, and interstate ninety commencing at the intersection of 56829
that interstate with interstate seventy-one and continuing to 56830
the border of the state of Ohio with the state of Pennsylvania. 56831
The director shall establish criteria for determining the 56832
appropriate use of variable speed limits and shall establish 56833
variable speed limits in accordance with the criteria. The 56834
director may establish variable speed limits based upon the time 56835
of day, weather conditions, traffic incidents, or other factors 56836
that affect the safe speed on a street or highway. The director 56837
shall not establish a variable speed limit that is based on a 56838
particular type or class of vehicle. A variable speed limit 56839
established by the director under this section is effective when 56840
appropriate signs giving notice of the speed limit are displayed 56841

at the location. 56842

(b) Except for variable speed limits established under 56843
division (H) (3) (a) of this section, the director shall establish 56844
a variable speed limit under the authority granted to the 56845
director by this section on not more than two additional 56846
highways and only pursuant to criteria established in rules 56847
adopted in accordance with Chapter 119. of the Revised Code. The 56848
rules shall be based on the criteria described in division (H) 56849
(3) (a) of this section. The rules also shall establish the 56850
parameters of any engineering study necessary for determining 56851
when variable speed limits are appropriate. 56852

(4) Nothing in this section shall be construed to limit 56853
the authority of the director to establish speed limits within a 56854
construction zone as authorized under section 4511.98 of the 56855
Revised Code. 56856

(I) (1) Except as provided in divisions (I) (2), (J), (K), 56857
and (N) of this section, whenever local authorities determine 56858
upon the basis of criteria established by an engineering study, 56859
as defined by the director, that the speed permitted by 56860
divisions (B) (1) (a) to (D) of this section, on any part of a 56861
highway under their jurisdiction, is greater than is reasonable 56862
and safe under the conditions found to exist at such location, 56863
the local authorities may by resolution request the director to 56864
determine and declare a reasonable and safe prima-facie speed 56865
limit. Upon receipt of such request the director may determine 56866
and declare a reasonable and safe prima-facie speed limit at 56867
such location, and if the director does so, then such declared 56868
speed limit shall become effective only when appropriate signs 56869
giving notice thereof are erected at such location by the local 56870
authorities. The director may withdraw the declaration of a 56871

prima-facie speed limit whenever in the director's opinion the
altered prima-facie speed limit becomes unreasonable. Upon such
withdrawal, the declared prima-facie speed limit shall become
ineffective and the signs relating thereto shall be immediately
removed by the local authorities.

(2) A local authority may determine on the basis of
criteria established by an engineering study, as defined by the
director, that the speed limit of sixty-five or seventy miles
per hour on a portion of a freeway under its jurisdiction is
greater than is reasonable or safe under the conditions found to
exist at that portion of the freeway. If the local authority
makes such a determination, the local authority by resolution
may request the director to determine and declare a reasonable
and safe speed limit of not less than fifty-five miles per hour
for that portion of the freeway. If the director takes such
action, the declared speed limit becomes effective only when
appropriate signs giving notice of it are erected at such
location by the local authority.

(J) Local authorities in their respective jurisdictions
may authorize by ordinance higher prima-facie speeds than those
stated in this section upon through highways, or upon highways
or portions thereof where there are no intersections, or between
widely spaced intersections, provided signs are erected giving
notice of the authorized speed, but local authorities shall not
modify or alter the basic rule set forth in division (A) of this
section or in any event authorize by ordinance a speed in excess
of the maximum speed permitted by division (D) of this section
for the specified type of highway.

Alteration of prima-facie limits on state routes by local
authorities shall not be effective until the alteration has been

approved by the director. The director may withdraw approval of 56902
any altered prima-facie speed limits whenever in the director's 56903
opinion any altered prima-facie speed becomes unreasonable, and 56904
upon such withdrawal, the altered prima-facie speed shall become 56905
ineffective and the signs relating thereto shall be immediately 56906
removed by the local authorities. 56907

(K) (1) As used in divisions (K) (1), (2), (3), and (4) of 56908
this section, "unimproved highway" means a highway consisting of 56909
any of the following: 56910

(a) Unimproved earth; 56911

(b) Unimproved graded and drained earth; 56912

(c) Gravel. 56913

(2) Except as otherwise provided in divisions (K) (4) and 56914
(5) of this section, whenever a board of township trustees 56915
determines upon the basis of criteria established by an 56916
engineering study, as defined by the director, that the speed 56917
permitted by division (B) (5) of this section on any part of an 56918
unimproved highway under its jurisdiction and in the 56919
unincorporated territory of the township is greater than is 56920
reasonable or safe under the conditions found to exist at the 56921
location, the board may by resolution declare a reasonable and 56922
safe prima-facie speed limit of fifty-five but not less than 56923
twenty-five miles per hour. An altered speed limit adopted by a 56924
board of township trustees under this division becomes effective 56925
when appropriate traffic control devices, as prescribed in 56926
section 4511.11 of the Revised Code, giving notice thereof are 56927
erected at the location, which shall be no sooner than sixty 56928
days after adoption of the resolution. 56929

(3) (a) Whenever, in the opinion of a board of township 56930

trustees, any altered prima-facie speed limit established by the board under this division becomes unreasonable, the board may adopt a resolution withdrawing the altered prima-facie speed limit. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(b) Whenever a highway ceases to be an unimproved highway and the board has adopted an altered prima-facie speed limit pursuant to division (K) (2) of this section, the board shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(4) (a) If the boundary of two townships rests on the centerline of an unimproved highway in unincorporated territory and both townships have jurisdiction over the highway, neither of the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K) (2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of criteria established by an engineering study, as defined by the director, that the speed permitted by division (B) (5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both boards so agree, each shall follow the procedure specified in division (K) (2) of this section for altering the prima-facie speed limit on the highway. Except as otherwise provided in

division (K) (4) (b) of this section, no speed limit altered 56962
pursuant to division (K) (4) (a) of this section may be withdrawn 56963
unless the boards of township trustees of both townships 56964
determine that the altered prima-facie speed limit previously 56965
adopted becomes unreasonable and each board adopts a resolution 56966
withdrawing the altered prima-facie speed limit pursuant to the 56967
procedure specified in division (K) (3) (a) of this section. 56968

(b) Whenever a highway described in division (K) (4) (a) of 56969
this section ceases to be an unimproved highway and two boards 56970
of township trustees have adopted an altered prima-facie speed 56971
limit pursuant to division (K) (4) (a) of this section, both 56972
boards shall, by resolution, withdraw the altered prima-facie 56973
speed limit as soon as the highway ceases to be unimproved. Upon 56974
the adoption of the resolution, the altered prima-facie speed 56975
limit becomes ineffective and the traffic control devices 56976
relating thereto shall be immediately removed. 56977

(5) As used in division (K) (5) of this section: 56978

(a) "Commercial subdivision" means any platted territory 56979
outside the limits of a municipal corporation and fronting a 56980
highway where, for a distance of three hundred feet or more, the 56981
frontage is improved with buildings in use for commercial 56982
purposes, or where the entire length of the highway is less than 56983
three hundred feet long and the frontage is improved with 56984
buildings in use for commercial purposes. 56985

(b) "Residential subdivision" means any platted territory 56986
outside the limits of a municipal corporation and fronting a 56987
highway, where, for a distance of three hundred feet or more, 56988
the frontage is improved with residences or residences and 56989
buildings in use for business, or where the entire length of the 56990
highway is less than three hundred feet long and the frontage is 56991

improved with residences or residences and buildings in use for 56992
business. 56993

Whenever a board of township trustees finds upon the basis 56994
of criteria established by an engineering study, as defined by 56995
the director, that the prima-facie speed permitted by division 56996
(B) (5) of this section on any part of a highway under its 56997
jurisdiction that is located in a commercial or residential 56998
subdivision, except on highways or portions thereof at the 56999
entrances to which vehicular traffic from the majority of 57000
intersecting highways is required to yield the right-of-way to 57001
vehicles on such highways in obedience to stop or yield signs or 57002
traffic control signals, is greater than is reasonable and safe 57003
under the conditions found to exist at the location, the board 57004
may by resolution declare a reasonable and safe prima-facie 57005
speed limit of less than fifty-five but not less than twenty- 57006
five miles per hour at the location. An altered speed limit 57007
adopted by a board of township trustees under this division 57008
shall become effective when appropriate signs giving notice 57009
thereof are erected at the location by the township. Whenever, 57010
in the opinion of a board of township trustees, any altered 57011
prima-facie speed limit established by it under this division 57012
becomes unreasonable, it may adopt a resolution withdrawing the 57013
altered prima-facie speed, and upon such withdrawal, the altered 57014
prima-facie speed shall become ineffective, and the signs 57015
relating thereto shall be immediately removed by the township. 57016

(L) (1) The director of transportation, based upon an 57017
engineering study, as defined by the director, of a highway, 57018
expressway, or freeway described in division (B) (12), (13), 57019
(14), (15), or (16) of this section, in consultation with the 57020
director of public safety and, if applicable, the local 57021
authority having jurisdiction over the studied highway, 57022

expressway, or freeway, may determine and declare that the speed limit established on such highway, expressway, or freeway under division (B) (12), (13), (14), (15), or (16) of this section either is reasonable and safe or is more or less than that which is reasonable and safe.

(2) If the established speed limit for a highway, expressway, or freeway studied pursuant to division (L) (1) of this section is determined to be more or less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the studied highway, expressway, or freeway, shall determine and declare a reasonable and safe speed limit for that highway, expressway, or freeway.

(M) (1) (a) If the boundary of two local authorities rests on the centerline of a highway and both authorities have jurisdiction over the highway, the speed limit for the part of the highway within their joint jurisdiction shall be either one of the following as agreed to by both authorities:

(i) Either prima-facie speed limit permitted by division (B) of this section;

(ii) An altered speed limit determined and posted in accordance with this section.

(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section.

(2) Neither local authority may declare an altered prima-facie speed limit pursuant to this section on the part of the highway under their joint jurisdiction unless both of the local

authorities determine, upon the basis of criteria established by 57052
an engineering study, as defined by the director, that the speed 57053
permitted by this section is greater than is reasonable or safe 57054
under the conditions found to exist at the location and both 57055
authorities agree upon a uniform reasonable and safe prima-facie 57056
speed limit of less than fifty-five but not less than twenty- 57057
five miles per hour for that location. If both authorities so 57058
agree, each shall follow the procedure specified in this section 57059
for altering the prima-facie speed limit on the highway, and the 57060
speed limit for the part of the highway within their joint 57061
jurisdiction shall be uniformly altered. No altered speed limit 57062
may be withdrawn unless both local authorities determine that 57063
the altered prima-facie speed limit previously adopted becomes 57064
unreasonable and each adopts a resolution withdrawing the 57065
altered prima-facie speed limit pursuant to the procedure 57066
specified in this section. 57067

(N) The legislative authority of a municipal corporation 57068
or township in which a boarding school is located, by resolution 57069
or ordinance, may establish a boarding school zone. The 57070
legislative authority may alter the speed limit on any street or 57071
highway within the boarding school zone and shall specify the 57072
hours during which the altered speed limit is in effect. For 57073
purposes of determining the boundaries of the boarding school 57074
zone, the altered speed limit within the boarding school zone, 57075
and the hours the altered speed limit is in effect, the 57076
legislative authority shall consult with the administration of 57077
the boarding school and with the county engineer or other 57078
appropriate engineer, as applicable. A boarding school zone 57079
speed limit becomes effective only when appropriate signs giving 57080
notice thereof are erected at the appropriate locations. 57081

(O) As used in this section: 57082

- (1) "Interstate system" has the same meaning as in 23 U.S.C. 101. 57083
57084
- (2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation. 57085
57086
57087
- (3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or nonprofit organization. 57088
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- (4) "Outerbelt" means a portion of a freeway that is part of the interstate system and is located in the outer vicinity of a major municipal corporation or group of municipal corporations, as designated by the director. 57092
57093
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- (5) "Rural" means an area outside urbanized areas and outside of a business or urban district, and areas that extend within urbanized areas where the roadway characteristics remain mostly unchanged from those outside the urbanized areas. 57096
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- (6) "Urbanized area" has the same meaning as in 23 U.S.C. 101. 57100
57101
- (7) "Divided" means a roadway having two or more travel lanes for vehicles moving in opposite directions and that is separated by a median of more than four feet, excluding turn lanes. 57102
57103
57104
57105
- (P) (1) A violation of any provision of this section is one of the following: 57106
57107
- (a) Except as otherwise provided in divisions (P) (1) (b), (1) (c), (2), and (3) of this section, a minor misdemeanor; 57108
57109
- (b) If, within one year of the offense, the offender 57110

previously has been convicted of or pleaded guilty to two 57111
violations of any provision of this section or of any provision 57112
of a municipal ordinance that is substantially similar to any 57113
provision of this section, a misdemeanor of the fourth degree; 57114

(c) If, within one year of the offense, the offender 57115
previously has been convicted of or pleaded guilty to three or 57116
more violations of any provision of this section or of any 57117
provision of a municipal ordinance that is substantially similar 57118
to any provision of this section, a misdemeanor of the third 57119
degree. 57120

(2) If the offender has not previously been convicted of 57121
or pleaded guilty to a violation of any provision of this 57122
section or of any provision of a municipal ordinance that is 57123
substantially similar to this section and operated a motor 57124
vehicle faster than thirty-five miles an hour in a business 57125
district of a municipal corporation, faster than fifty miles an 57126
hour in other portions of a municipal corporation, or faster 57127
than thirty-five miles an hour in a school zone during recess or 57128
while children are going to or leaving school during the 57129
school's opening or closing hours, a misdemeanor of the fourth 57130
degree. 57131

(3) Notwithstanding division (P)(1) of this section, if 57132
the offender operated a motor vehicle in a construction zone 57133
where a sign was then posted in accordance with section 4511.98 57134
of the Revised Code, the court, in addition to all other 57135
penalties provided by law, shall impose upon the offender a fine 57136
of two times the usual amount imposed for the violation. No 57137
court shall impose a fine of two times the usual amount imposed 57138
for the violation upon an offender if the offender alleges, in 57139
an affidavit filed with the court prior to the offender's 57140

sentencing, that the offender is indigent and is unable to pay 57141
the fine imposed pursuant to this division and if the court 57142
determines that the offender is an indigent person and unable to 57143
pay the fine. 57144

(4) If the offender commits the offense while distracted 57145
and the distracting activity is a contributing factor to the 57146
commission of the offense, the offender is subject to the 57147
additional fine established under section 4511.991 of the 57148
Revised Code. 57149

Sec. 4511.75. (A) The driver of a vehicle, streetcar, or 57150
trackless trolley upon meeting or overtaking from either 57151
direction any school bus stopped for the purpose of receiving or 57152
discharging any school child, person attending programs offered 57153
by community boards of mental health and county boards of 57154
developmental disabilities, or child attending a program offered 57155
by a head start agency, shall stop at least ten feet from the 57156
front or rear of the school bus and shall not proceed until such 57157
school bus resumes motion, or until signaled by the school bus 57158
driver to proceed. 57159

It is no defense to a charge under this division that the 57160
school bus involved failed to display or be equipped with an 57161
automatically extended stop warning sign as required by division 57162
(B) of this section. 57163

(B) Every school bus shall be equipped with amber and red 57164
visual signals meeting the requirements of section 4511.771 of 57165
the Revised Code, and an automatically extended stop warning 57166
sign of a type approved by the ~~state board~~ department of 57167
education and workforce, which shall be actuated by the driver 57168
of the bus whenever but only whenever the bus is stopped or 57169
stopping on the roadway for the purpose of receiving or 57170

discharging school children, persons attending programs offered 57171
by community boards of mental health and county boards of 57172
developmental disabilities, or children attending programs 57173
offered by head start agencies. A school bus driver shall not 57174
actuate the visual signals or the stop warning sign in 57175
designated school bus loading areas where the bus is entirely 57176
off the roadway or at school buildings when children or persons 57177
attending programs offered by community boards of mental health 57178
and county boards of developmental disabilities are loading or 57179
unloading at curbside or at buildings when children attending 57180
programs offered by head start agencies are loading or unloading 57181
at curbside. The visual signals and stop warning sign shall be 57182
synchronized or otherwise operated as required by rule of the 57183
board. 57184

(C) Where a highway has been divided into four or more 57185
traffic lanes, a driver of a vehicle, streetcar, or trackless 57186
trolley need not stop for a school bus approaching from the 57187
opposite direction which has stopped for the purpose of 57188
receiving or discharging any school child, persons attending 57189
programs offered by community boards of mental health and county 57190
boards of developmental disabilities, or children attending 57191
programs offered by head start agencies. The driver of any 57192
vehicle, streetcar, or trackless trolley overtaking the school 57193
bus shall comply with division (A) of this section. 57194

(D) School buses operating on divided highways or on 57195
highways with four or more traffic lanes shall receive and 57196
discharge all school children, persons attending programs 57197
offered by community boards of mental health and county boards 57198
of developmental disabilities, and children attending programs 57199
offered by head start agencies on their residence side of the 57200
highway. 57201

(E) No school bus driver shall start the driver's bus 57202
until after any child, person attending programs offered by 57203
community boards of mental health and county boards of 57204
developmental disabilities, or child attending a program offered 57205
by a head start agency who may have alighted therefrom has 57206
reached a place of safety on the child's or person's residence 57207
side of the road. 57208

(F) (1) Whoever violates division (A) of this section may 57209
be fined an amount not to exceed five hundred dollars. A person 57210
who is issued a citation for a violation of division (A) of this 57211
section is not permitted to enter a written plea of guilty and 57212
waive the person's right to contest the citation in a trial but 57213
instead must appear in person in the proper court to answer the 57214
charge. 57215

(2) In addition to and independent of any other penalty 57216
provided by law, the court or mayor may impose upon an offender 57217
who violates this section a class seven suspension of the 57218
offender's driver's license, commercial driver's license, 57219
temporary instruction permit, probationary license, or 57220
nonresident operating privilege from the range specified in 57221
division (A) (7) of section 4510.02 of the Revised Code. When a 57222
license is suspended under this section, the court or mayor 57223
shall cause the offender to deliver the license to the court, 57224
and the court or clerk of the court immediately shall forward 57225
the license to the registrar of motor vehicles, together with 57226
notice of the court's action. 57227

(G) As used in this section: 57228

(1) "Head start agency" has the same meaning as in section 57229
3301.32 of the Revised Code. 57230

(2) "School bus," as used in relation to children who attend a program offered by a head start agency, means a bus that is owned and operated by a head start agency, is equipped with an automatically extended stop warning sign of a type approved by the ~~state board of education~~ department, is painted the color and displays the markings described in section 4511.77 of the Revised Code, and is equipped with amber and red visual signals meeting the requirements of section 4511.771 of the Revised Code, irrespective of whether or not the bus has fifteen or more children aboard at any time. "School bus" does not include a van owned and operated by a head start agency, irrespective of its color, lights, or markings.

Sec. 4511.76. (A) The department of public safety, by and with the advice of the ~~superintendent of public instruction~~ department of education and workforce, shall adopt and enforce rules relating to the construction, design, and equipment, including lighting equipment required by section 4511.771 of the Revised Code, of all school buses both publicly and privately owned and operated in this state.

(B) The department of education and workforce, by and with the advice of the director of public safety, shall adopt and enforce rules relating to the operation of all vehicles used for pupil transportation.

(C) No person shall operate a vehicle used for pupil transportation within this state in violation of the rules of the department of education and workforce or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this state in violation of the rules of the department of education and

workforce or the department of public safety. 57261

(D) The department of public safety shall adopt and 57262
enforce rules relating to the issuance of a license under 57263
section 4511.763 of the Revised Code. The rules may relate to 57264
the condition of the equipment to be operated; the liability and 57265
property damage insurance carried by the applicant; the posting 57266
of satisfactory and sufficient bond; and such other rules as the 57267
director of public safety determines reasonably necessary for 57268
the safety of the pupils to be transported. 57269

(E) A chartered nonpublic school may own and operate, or 57270
contract with a vendor that supplies, a vehicle originally 57271
designed for not more than nine passengers, not including the 57272
driver, to transport students to and from regularly scheduled 57273
school sessions when one of the following applies: 57274

(1) A student's school district of residence has declared 57275
the transportation of the student impractical pursuant to 57276
section 3327.02 of the Revised Code; or 57277

(2) A student does not live within thirty minutes of the 57278
chartered nonpublic school and the student's school district is 57279
not required to transport the student under section 3327.01 of 57280
the Revised Code. 57281

(F) As used in this section, "vehicle used for pupil 57282
transportation" means any vehicle that is identified as such by 57283
the department of education and workforce by rule and that is 57284
subject to Chapter 3301-83 of the Administrative Code. 57285

(G) Except as otherwise provided in this division, whoever 57286
violates this section is guilty of a minor misdemeanor. If the 57287
offender previously has been convicted of or pleaded guilty to 57288
one or more violations of this section or section 4511.63, 57289

4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4709.07. (A) Each person who desires to obtain an initial license to practice barbering shall apply to the state cosmetology and barber board, on forms provided by the board. The application form shall include the name of the person applying for the license and evidence that the applicant meets all of the requirements of division (B) of this section. The application shall be accompanied by two signed current photographs of the applicant, in the size determined by the board, that show only the head and shoulders of the applicant, and the examination application fee.

(B) In order to take the required barber examination and to qualify for licensure as a barber, an applicant must demonstrate that the applicant meets all of the following:

(1) Is at least eighteen years of age;

(2) Has an eighth grade education or an equivalent education as determined by the ~~state board~~ department of education and workforce, or equivalent organization in the state where the applicant resides;

(3) Has graduated with at least one thousand eight hundred hours of training from a board-approved barber school or has graduated with at least one thousand hours of training from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an applicant five or more years prior to the examination apply to

the hours of study required by this division. 57319

(C) Any applicant who meets all of the requirements of 57320
divisions (A) and (B) of this section may take the barber 57321
examination at the time and place specified by the board. If the 57322
applicant fails to attain at least a seventy-five per cent pass 57323
rate on each part of the examination, the applicant is 57324
ineligible for licensure; however, the applicant may reapply for 57325
examination within ninety days after the date of the release of 57326
the examination scores by paying the required reexamination fee. 57327
An applicant is only required to take that part or parts of the 57328
examination on which the applicant did not receive a score of 57329
seventy-five per cent or higher. If the applicant fails to 57330
reapply for examination within ninety days or fails the second 57331
examination, in order to reapply for examination for licensure 57332
the applicant shall complete an additional course of study of 57333
not less than two hundred hours, in a board-approved barber 57334
school. The board shall provide to an applicant, upon request, a 57335
report which explains the reasons for the applicant's failure to 57336
pass the examination. 57337

(D) The board shall issue a license to practice barbering 57338
to any applicant who, to the satisfaction of the board, meets 57339
the requirements of divisions (A) and (B) of this section, who 57340
passes the required examination, and pays the initial licensure 57341
fee. Every licensed barber shall display the certificate of 57342
licensure in a conspicuous place adjacent to or near the 57343
licensed barber's work chair, along with a signed current 57344
photograph, in the size determined by the board, showing head 57345
and shoulders only. 57346

Sec. 4709.10. (A) Each person who desires to obtain a 57347
license to operate a barber school shall apply to the state 57348

cosmetology and barber board, on forms provided by the board. 57349
The board shall issue a barber school license to a person if the 57350
board determines that the person meets and will comply with all 57351
of the requirements of division (B) of this section and pays the 57352
required licensure and inspection fees. 57353

(B) In order for a person to qualify for a license to 57354
operate a barber school, the barber school to be operated by the 57355
person must meet all of the following requirements: 57356

(1) Have a training facility sufficient to meet the 57357
required educational curriculum established by the board, 57358
including enough space to accommodate all the facilities and 57359
equipment required by rule by the board; 57360

(2) Provide sufficient licensed teaching personnel to meet 57361
the minimum pupil-teacher ratio established by rule of the 57362
board; 57363

(3) Have established and provide to the board proof that 57364
it has met all of the board requirements to operate a barber 57365
school, as adopted by rule of the board; 57366

(4) File with the board a program of its curriculum, 57367
accounting for not less than one thousand eight hundred hours of 57368
instruction in the courses of theory and practical demonstration 57369
required by rule of the board; 57370

(5) File with the board a surety bond in the amount of ten 57371
thousand dollars issued by a bonding company licensed to do 57372
business in this state. The bond shall be in the form prescribed 57373
by the board and conditioned upon the barber school's continued 57374
instruction in the theory and practice of barbering. The bond 57375
shall continue in effect until notice of its termination is 57376
provided to the board. In no event, however, shall the bond be 57377

terminated while the barber school is in operation. Any student 57378
who is injured or damaged by reason of a barber school's failure 57379
to continue instruction in the theory and practice of barbering 57380
may maintain an action on the bond against the barber school or 57381
the surety, or both, for the recovery of any money or tuition 57382
paid in advance for instruction in the theory and practice of 57383
barbering which was not received. The aggregate liability of the 57384
surety to all students shall not exceed the sum of the bond. 57385

(6) Maintain adequate record keeping to ensure that it has 57386
met the requirements for records of student progress as required 57387
by board rule; 57388

(7) Establish minimum standards for acceptance of student 57389
applicants for admission to the barber school. The barber school 57390
may establish entrance requirements which are more stringent 57391
than those prescribed by the board, but the requirements must at 57392
a minimum require the applicant to meet all of the following: 57393

(a) Be at least seventeen years of age; 57394

(b) Have an eighth grade education, or an equivalent 57395
education as determined by the ~~state board~~ department of 57396
education and workforce; 57397

(c) Submit two signed current photographs of the 57398
applicant, in the size determined by the board. 57399

(8) Have a procedure to submit every student applicant's 57400
admission application to the board for the board's review and 57401
approval prior to the applicant's admission to the barber 57402
school; 57403

(9) Operate in a manner which reflects credit upon the 57404
barbering profession; 57405

(10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board;

(11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility.

(C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements:

(1) Holds a current barber license issued pursuant to this chapter and has at least eighteen months of work experience in a licensed barber shop or has been employed as an assistant barber teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement;

(2) Meets such other requirements as adopted by rule by the board;

(3) Passes the required examination; and

(4) Pays the required fees.

The board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees.

(D) Any person who meets the qualifications of an assistant teacher pursuant to division (C) of this section, may be employed as an assistant teacher, provided that within five

days after the commencement of the employment the barber school 57434
submits to the board, on forms provided by the board, the 57435
applicant's qualifications. 57436

Sec. 4713.02. (A) There is hereby created the state 57437
cosmetology and barber board, consisting of all of the following 57438
members appointed by the governor, with the advice and consent 57439
of the senate: 57440

(1) One individual holding a current, valid cosmetologist 57441
or cosmetology instructor license at the time of appointment; 57442

(2) Two individuals holding current, valid cosmetologist 57443
licenses and actively engaged in managing beauty salons for a 57444
period of not less than five years at the time of appointment; 57445

(3) One individual who holds a current, valid independent 57446
contractor license at the time of appointment and practices a 57447
branch of cosmetology; 57448

(4) One individual who represents individuals who teach 57449
the theory and practice of a branch of cosmetology at a 57450
vocational or career-technical school; 57451

(5) One owner or executive actively engaged in the daily 57452
operations of a licensed school of cosmetology; 57453

(6) One owner of at least five licensed salons; 57454

(7) One individual who is either a certified nurse 57455
practitioner or clinical nurse specialist holding a current, 57456
valid license to practice nursing as an advanced practice 57457
registered nurse issued under Chapter 4723. of the Revised Code 57458
or a physician authorized under Chapter 4731. of the Revised 57459
Code to practice medicine and surgery or osteopathic medicine 57460
and surgery; 57461

(8) One individual representing the general public;	57462
(9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment;	57463 57464 57465 57466
(10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment;	57467 57468 57469 57470
(11) One individual who is an employer barber and who has been licensed as a barber in this state for at least five years immediately preceding the individual's appointment;	57471 57472 57473
(12) One individual who holds a current, valid barber or barber teacher license at the time of appointment and who has been licensed as a barber or barber teacher in this state for at least five years immediately preceding the individual's appointment.	57474 57475 57476 57477 57478
(B) The superintendent of public instruction <u>director of education and workforce</u> shall nominate three individuals for the governor to choose from when making an appointment under division (A) (4) of this section.	57479 57480 57481 57482
(C) All members shall be at least twenty-five years of age, residents of the state, and citizens of the United States. No more than two members, at any time, shall be graduates of the same school of cosmetology. Not more than one member shall have a common financial connection with any school of cosmetology, salon, barber school, or barber shop.	57483 57484 57485 57486 57487 57488
Terms of office are for five years. Terms shall commence on the first day of November and end on the thirty-first day of	57489 57490

October. Each member shall hold office from the date of 57491
appointment until the end of the term for which appointed. In 57492
case of a vacancy occurring on the board, the governor shall, in 57493
the same manner prescribed for the regular appointment to the 57494
board, fill the vacancy by appointing a member. Any member 57495
appointed to fill a vacancy occurring prior to the expiration of 57496
the term for which the member's predecessor was appointed shall 57497
hold office for the remainder of such term. Any member shall 57498
continue in office subsequent to the expiration date of the 57499
member's term until the member's successor takes office, or 57500
until a period of sixty days has elapsed, whichever occurs 57501
first. Before entering upon the discharge of the duties of the 57502
office of member, each member shall take, and file with the 57503
secretary of state, the oath of office required by Section 7 of 57504
Article XV, Ohio Constitution. 57505

The members of the board shall receive an amount fixed 57506
pursuant to Chapter 124. of the Revised Code per diem for every 57507
meeting of the board which they attend, together with their 57508
necessary expenses, and mileage for each mile necessarily 57509
traveled. 57510

The members of the board shall annually elect, from among 57511
their number, a chairperson and a vice-chairperson. The 57512
executive director appointed pursuant to section 4713.06 of the 57513
Revised Code shall serve as the board's secretary. 57514

(D) The board shall prescribe the duties of its officers 57515
and establish an office within Franklin county. The board shall 57516
keep all records and files at the office and have the records 57517
and files at all reasonable hours open to public inspection in 57518
accordance with section 149.43 of the Revised Code and any rules 57519
adopted by the board in compliance with this state's record 57520

retention policy. The board also shall adopt a seal for the authentication of its orders, communications, and records.

(E) The governor may remove any member for cause prior to the expiration of the member's term of office.

(F) Whenever the term "state board of cosmetology" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context. Whenever the term "barber board" is used, referred to, or designated in statute, rule, contract, grant, or other document, the use, reference, or designation shall be deemed to mean the "state cosmetology and barber board" or the executive director of the state cosmetology and barber board, whichever is appropriate in context.

Sec. 4732.10. (A) The state board of psychology shall appoint an entrance examiner who shall determine the sufficiency of an applicant's qualifications for admission to the appropriate examination. A member of the board or the executive director may be appointed as the entrance examiner.

(B) Requirements for admission to examination for a psychologist license shall be that the applicant:

(1) Is at least twenty-one years of age;

(2) Meets one of the following requirements:

(a) Received an earned doctoral degree from an institution accredited or recognized by a national or regional accrediting agency and a program accredited by any of the following:

(i) The American psychological association, office of

program consultation and accreditation;	57549
(ii) The accreditation office of the Canadian psychological association;	57550 57551
(iii) A program listed by the association of state and provincial psychology boards/national register designation committee;	57552 57553 57554
(iv) The national association of school psychologists.	57555
(b) Received an earned doctoral degree in psychology or school psychology from an institution accredited or recognized by a national or regional accrediting agency but the program does not meet the program accreditation requirements of division (B) (2) (a) of this section;	57556 57557 57558 57559 57560
(c) Received from an academic institution outside of the United States or Canada a degree determined, under rules adopted by the board under division (E) of this section, to be equivalent to a doctoral degree in psychology from a program described in division (B) (2) (a) of this section;	57561 57562 57563 57564 57565
(d) Held a psychologist license, certificate, or registration required for practice in another United States or Canadian jurisdiction for a minimum of ten years and meets educational, experience, and professional requirements established under rules adopted by the board.	57566 57567 57568 57569 57570
(3) Has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be a predoctoral internship. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.	57571 57572 57573 57574 57575 57576

(4) If applying under division (B) (2) (b) or (c) of this section, has had at least two years of supervised professional experience in psychological work of a type satisfactory to the board, at least one year of which must be postdoctoral. The board shall adopt guidelines for the kind of supervised professional experience that fulfill this requirement.

(C) Requirements for admission to examination for a school psychologist license shall be that the applicant:

(1) Has received from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards, including those approved by the state board of education for the training of school psychologists, at least a master's degree in school psychology, or a degree considered equivalent by the board;

(2) Is at least twenty-one years of age;

(3) Has completed at least sixty quarter hours, or the semester hours equivalent, at the graduate level, of accredited study in course work relevant to the study of school psychology;

(4) Has completed an internship in an educational institution approved by the ~~Ohio~~ department of education and workforce for school psychology supervised experience or one year of other training experience acceptable to the board, such as supervised professional experience under the direction of a licensed psychologist or licensed school psychologist;

(5) Furnishes proof of at least twenty-seven months, exclusive of internship, of full-time experience as a certificated school psychologist employed by a board of education or a private school meeting the standards prescribed by the ~~state board~~ director of education and workforce, or of

experience that the board deems equivalent. 57606

(D) If the entrance examiner finds that the applicant 57607
meets the requirements set forth in this section, the applicant 57608
shall be admitted to the appropriate examination. 57609

(E) The board shall adopt under Chapter 119. of the 57610
Revised Code rules for determining for the purposes of division 57611
~~(B) (2) (b)~~ (B) (2) (c) of this section whether a degree is 57612
equivalent to a degree in psychology from an institution in the 57613
United States. 57614

Sec. 4732.22. (A) The following persons are exempted from 57615
the licensing requirements of this chapter: 57616

(1) A person who holds a license or certificate issued by 57617
the state board of education authorizing the practice of school 57618
psychology, while practicing school psychology within the scope 57619
of employment by a board of education or by a private school 57620
meeting the standards prescribed by the ~~state board~~ director of 57621
education and workforce under division (D) of section 3301.07 of 57622
the Revised Code, or while acting as a school psychologist 57623
within the scope of employment in a program for children with 57624
disabilities established under Chapter 3323. or 5126. of the 57625
Revised Code. A person exempted under this division shall not 57626
offer psychological services to any other individual, 57627
organization, or group for remuneration, monetary or otherwise, 57628
unless the person is licensed by the state board of psychology. 57629

(2) Any nonresident temporarily employed in this state to 57630
render psychological services for not more than thirty days a 57631
year, who, in the opinion of the board, meets the standards for 57632
entrance in division (B) of section 4732.10 of the Revised Code, 57633
who has paid the required fee and submitted an application 57634

prescribed by the board, and who holds whatever license or certificate, if any, is required for such practice in the person's home state or home country.

(3) Any person working under the supervision of a psychologist or school psychologist licensed under this chapter, while carrying out specific tasks, under the license holder's supervision, as an extension of the license holder's legal and ethical authority as specified under this chapter if the person is registered under division (B) of this section. All fees shall be billed under the name of the license holder. The person working under the license holder's supervision shall not represent self to the public as a psychologist or school psychologist, although supervised persons and persons in training may be ascribed such titles as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status.

(4) Any student in an accredited educational institution, while carrying out activities that are part of the student's prescribed course of study, provided such activities are supervised by a professional person who is qualified to perform such activities and is licensed under this chapter or is a qualified supervisor pursuant to rules of the board;

(5) Recognized religious officials, including ministers, priests, rabbis, imams, Christian science practitioners, and other persons recognized by the board, conducting counseling when the counseling activities are within the scope of the performance of their regular duties and are performed under the auspices or sponsorship of an established and legally cognizable religious denomination or sect, as defined in current federal

tax regulations, and when the religious official does not refer 57665
to the official's self as a psychologist and remains accountable 57666
to the established authority of the religious denomination or 57667
sect; 57668

(6) Persons in the employ of the federal government 57669
insofar as their activities are a part of the duties of their 57670
positions; 57671

(7) Persons licensed, certified, or registered under any 57672
other provision of the Revised Code who are practicing those 57673
arts and utilizing psychological procedures that are allowed and 57674
within the standards and ethics of their profession or within 57675
new areas of practice that represent appropriate extensions of 57676
their profession, provided that they do not hold themselves out 57677
to the public by the title of psychologist; 57678

(8) Persons using the term "social psychologist," 57679
"experimental psychologist," "developmental psychologist," 57680
"research psychologist," "cognitive psychologist," and other 57681
terms used by those in academic and research settings who 57682
possess a doctoral degree in psychology from an educational 57683
institution accredited or recognized by national or regional 57684
accrediting agencies as maintaining satisfactory standards and 57685
who do not use such a term in the solicitation or rendering of 57686
professional psychological services. 57687

(B) The license holder who is supervising a person 57688
described in division (A) (3) of this section shall register the 57689
person with the board. The board shall adopt rules regarding the 57690
registration process and the supervisory relationship. 57691

Sec. 4735.09. (A) Application for a license as a real 57692
estate salesperson shall be made to the superintendent of real 57693

estate on forms furnished by the superintendent and signed by 57694
the applicant. The application shall be in the form prescribed 57695
by the superintendent and shall contain such information as is 57696
required by this chapter and the rules of the Ohio real estate 57697
commission. The application shall be accompanied by the 57698
recommendation of the real estate broker with whom the applicant 57699
is associated or with whom the applicant intends to be 57700
associated, certifying that the applicant is honest and 57701
truthful, and has not been finally adjudged by a court to have 57702
violated any municipal, state, or federal civil rights laws 57703
relevant to the protection of purchasers or sellers of real 57704
estate, which conviction or adjudication the applicant has not 57705
disclosed to the superintendent, and recommending that the 57706
applicant be admitted to the real estate salesperson 57707
examination. 57708

(B) A fee of eighty-one dollars shall accompany the 57709
application, which fee includes the fee for the initial year of 57710
the licensing period, if a license is issued. The initial year 57711
of the licensing period commences at the time the license is 57712
issued and ends on the applicant's first birthday thereafter. 57713
The application fee shall be nonrefundable. A fee of eighty-one 57714
dollars shall be charged by the superintendent for each 57715
successive application made by the applicant. One dollar of each 57716
application fee shall be credited to the real estate education 57717
and research fund. 57718

(C) There shall be no limit placed on the number of times 57719
an applicant may retake the examination. 57720

(D) The superintendent, with the consent of the 57721
commission, may enter into an agreement with a recognized 57722
national testing service to administer the real estate 57723

salesperson's examination under the superintendent's supervision 57724
and control, consistent with the requirements of this chapter as 57725
to the contents of the examination. 57726

If the superintendent, with the consent of the commission, 57727
enters into an agreement with a national testing service to 57728
administer the real estate salesperson's examination, the 57729
superintendent may require an applicant to pay the testing 57730
service's examination fee directly to the testing service. If 57731
the superintendent requires the payment of the examination fee 57732
directly to the testing service, each applicant shall submit to 57733
the superintendent a processing fee in an amount determined by 57734
the Ohio real estate commission pursuant to division (A) (1) of 57735
section 4735.10 of the Revised Code. 57736

(E) The superintendent shall issue a real estate 57737
salesperson's license when satisfied that the applicant has 57738
received a passing score on each portion of the salesperson's 57739
examination as determined by rule by the real estate commission, 57740
except that the superintendent may waive one or more of the 57741
requirements of this section in the case of an applicant who is 57742
a licensed real estate salesperson in another state pursuant to 57743
a reciprocity agreement with the licensing authority of the 57744
state from which the applicant holds a valid real estate 57745
salesperson's license. 57746

(F) No applicant for a salesperson's license shall take 57747
the salesperson's examination who has not established to the 57748
satisfaction of the superintendent that the applicant: 57749

(1) Is honest and truthful; 57750

(2) (a) Has not been convicted of a disqualifying offense 57751
as determined in accordance with section 9.79 of the Revised 57752

Code;	57753
(b) Has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate or, if the applicant has been so adjudged, at least two years have passed since the court decision and the superintendent has disregarded the adjudication because the applicant has proven, by a preponderance of the evidence, that the applicant is honest and truthful, and there is no basis in fact for believing that the applicant again will violate the laws involved.	57754 57755 57756 57757 57758 57759 57760 57761 57762 57763
(3) Has not, during any period in which the applicant was licensed under this chapter, violated any provision of, or any rule adopted pursuant to this chapter, or, if the applicant has violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;	57764 57765 57766 57767 57768 57769
(4) Is at least eighteen years of age;	57770
(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued by the department of education <u>under section 3301.80 of the Revised Code</u> ;	57771 57772 57773 57774
(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:	57775 57776 57777
(a) Forty hours of instruction in real estate practice;	57778
(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination,	57779 57780 57781

desegregation issues, and methods of eliminating the effects of 57782
prior discrimination. If feasible, the instruction in Ohio real 57783
estate law shall be taught by a member of the faculty of an 57784
accredited law school. If feasible, the instruction in 57785
municipal, state, and federal civil rights law, new case law on 57786
housing discrimination, desegregation issues, and methods of 57787
eliminating the effects of prior discrimination shall be taught 57788
by a staff member of the Ohio civil rights commission who is 57789
knowledgeable with respect to those subjects. The requirements 57790
of this division do not apply to an applicant who is admitted to 57791
practice before the supreme court. 57792

(c) Twenty hours of instruction in real estate appraisal; 57793

(d) Twenty hours of instruction in real estate finance. 57794

(G) (1) Successful completion of the instruction required 57795
by division (F) (6) of this section shall be determined by the 57796
law in effect on the date the instruction was completed. 57797

(2) Division (F) (6) (c) of this section does not apply to 57798
any new applicant who holds a valid Ohio real estate appraiser 57799
license or certificate issued prior to the date of application 57800
for a real estate salesperson's license. 57801

(H) Only for noncredit course offerings, an institution of 57802
higher education shall obtain approval from the appropriate 57803
state authorizing entity prior to offering a real estate course 57804
that is designed and marketed as satisfying the salesperson 57805
license education requirements of division (F) (6) of this 57806
section. The state authorizing entity may consult with the 57807
superintendent in reviewing the course for compliance with this 57808
section. 57809

(I) Any person who has not been licensed as a real estate 57810

salesperson or broker within a four-year period immediately 57811
preceding the person's current application for the salesperson's 57812
examination shall have successfully completed the prelicensure 57813
instruction required by division (F) (6) of this section within a 57814
ten-year period immediately preceding the person's current 57815
application for the salesperson's examination. 57816

(J) Not earlier than the date of issue of a real estate 57817
salesperson's license to a licensee, but not later than twelve 57818
months after the date of issue of a real estate salesperson 57819
license to a licensee, the licensee shall submit proof 57820
satisfactory to the superintendent, on forms made available by 57821
the superintendent, of the completion of twenty hours of 57822
instruction that shall be completed in schools, seminars, and 57823
educational institutions approved by the commission. The 57824
instruction shall include, but is not limited to, current 57825
practices relating to commercial real estate, property 57826
management, short sales, and land contracts; contract law; 57827
federal and state programs; economic conditions; and fiduciary 57828
responsibility. Approval of the curriculum and providers shall 57829
be granted according to rules adopted pursuant to section 57830
4735.10 of the Revised Code and may be taken through classroom 57831
instruction or distance education. 57832

If proof of completion of the required instruction is not 57833
submitted within twelve months of the date a license is issued 57834
under this section, the licensee's license is suspended 57835
automatically without the taking of any action by the 57836
superintendent. The superintendent immediately shall notify the 57837
broker with whom such salesperson is associated of the 57838
suspension of the salesperson's license. A salesperson whose 57839
license has been suspended under this division shall have twelve 57840
months after the date of the suspension of the salesperson's 57841

license to submit proof of successful completion of the 57842
instruction required under this division. No such license shall 57843
be reactivated by the superintendent until it is established, to 57844
the satisfaction of the superintendent, that the requirements of 57845
this division have been met and that the licensee is in 57846
compliance with this chapter. A licensee's license is revoked 57847
automatically without the taking of any action by the 57848
superintendent when the licensee fails to submit the required 57849
proof of completion of the education requirements under division 57850
(I) of this section within twelve months of the date the license 57851
is suspended. 57852

(K) Examinations shall be administered with reasonable 57853
accommodations in accordance with the requirements of the 57854
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 57855
U.S.C. 12189. The contents of an examination shall be consistent 57856
with the classroom instructional requirements of division (F) (6) 57857
of this section. An applicant who has completed the classroom 57858
instructional requirements of division (F) (6) of this section at 57859
the time of application shall be examined no later than twelve 57860
months after the applicant is notified of the applicant's 57861
admission to the examination. 57862

Sec. 4742.02. (A) ~~The state board~~ department of education_ 57863
and workforce, in conjunction with emergency service providers, 57864
shall develop and implement a program to provide emergency 57865
service telecommunicator training, ~~and shall implement the~~ 57866
~~program not more than one year after the effective date of this~~ 57867
~~section.~~ In developing the program, the ~~state board~~ department 57868
and the emergency service providers shall accept and consider 57869
suggestions from any political subdivision or other entity, 57870
whether located within or outside of this state, that offers 57871
suggestions. The program shall include all of the following: 57872

- (1) A curriculum for a basic course of emergency service telecommunicator training that conforms to the requirements of division (A) of section 4742.03 of the Revised Code; 57873
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- (2) A curriculum for continuing education coursework in emergency service telecommunicator training that conforms to the requirements of division (B) of section 4742.03 of the Revised Code; 57876
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- (3) Standards and examinations to be used in the program to certify that a person has successfully completed a basic course of, or continuing education coursework in, emergency service telecommunicator training; 57880
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- (4) Implementation of the training program at vocational education centers that are approved by the board to offer vocational education; 57884
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- (5) The provision at least eight times per year of a basic course of emergency service telecommunicator training at different vocational education centers around this state selected to reasonably accommodate persons requesting the training; 57887
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- (6) A requirement that any employee of an emergency service provider may enroll in and complete any course offered under the program at no charge by the ~~state board~~ department to the employee or provider. The tuition and materials costs for training such employees under the program shall be paid from the emergency service telecommunicator training fund created under division (B) of this section. 57892
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- (7) A requirement that space available in each basic course offered by the ~~state board~~ department shall be allocated on a priority basis, first to unpaid volunteers of emergency 57899
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service providers, second to paid volunteers of such providers, 57902
and third to other persons; 57903

(8) A provision allowing persons who are not employees of 57904
emergency service providers to enroll in any course offered 57905
under the program, on a space-available basis. The ~~state board-~~ 57906
~~department~~ may charge reasonable tuition to such persons to 57907
attend the course. 57908

(B) The emergency service telecommunicator training fund 57909
is hereby established in the state treasury. The ~~state board of~~ 57910
~~education department~~ shall use money in the fund only for the 57911
following purposes: 57912

(1) To develop the emergency service telecommunicator 57913
training program required under division (A) of this section; 57914

(2) To pay the compensation of ~~state board of education-~~ 57915
~~department~~ employees who administer the program and the ~~state-~~ 57916
~~board's department's~~ costs of training employees of emergency 57917
service providers at courses offered under the program. 57918

(C) The ~~state board of education department~~, in accordance 57919
with Chapter 119. of the Revised Code, shall adopt rules 57920
necessary to develop and administer the training program under 57921
this section. 57922

Sec. 4742.03. (A) A person may obtain certification as an 57923
emergency service telecommunicator by successfully completing a 57924
basic course of emergency service telecommunicator training that 57925
is conducted by the ~~state board department~~ of education and 57926
workforce under section 4742.02 of the Revised Code. The basic 57927
course of emergency service telecommunicator training shall 57928
include, but not be limited to, both of the following: 57929

(1) At least forty hours of instruction or training; 57930

(2) Instructional or training units in all of the following subjects:	57931 57932
(a) The role of the emergency service telecommunicator;	57933
(b) Effective communication skills;	57934
(c) Emergency service telecommunicator liability;	57935
(d) Telephone techniques;	57936
(e) Requirements of the "Americans With Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that pertain to emergency service telecommunicators;	57937 57938 57939
(f) Handling hysterical and suicidal callers;	57940
(g) Informing individuals who call about an apparent drug overdose about the immunity from prosecution for a minor drug possession offense created by section 2925.11 of the Revised Code;	57941 57942 57943 57944
(h) Law enforcement terminology;	57945
(i) Fire service terminology;	57946
(j) Emergency medical service terminology;	57947
(k) Emergency call processing guides for law enforcement;	57948
(l) Emergency call processing guides for fire service;	57949
(m) Emergency call processing guides for emergency medical service;	57950 57951
(n) Radio broadcast techniques;	57952
(o) Disaster planning;	57953
(p) Police officer survival, fire or emergency medical service scene safety, or both police officer survival and fire	57954 57955

or emergency medical service scene safety. 57956

(B) A person may maintain certification as an emergency 57957
service telecommunicator by successfully completing at least 57958
eight hours of continuing education coursework in emergency 57959
service telecommunicator training during each two-year period 57960
after a person first obtains the certification referred to in 57961
division (A) of this section. The continuing education 57962
coursework shall consist of review and advanced training and 57963
instruction in the subjects listed in division (A) (2) of this 57964
section. 57965

(C) If a person successfully completes the basic course of 57966
emergency service telecommunicator training described in 57967
division (A) of this section, the ~~state board of education~~ 57968
department or ~~a the department's designee of the board~~ shall 57969
certify the person's successful completion. The ~~board~~ department 57970
shall send a copy of the certification to the person and to the 57971
emergency service provider by whom the person is employed. 57972

If a person successfully completes the continuing 57973
education coursework described in division (B) of this section, 57974
the ~~state board of education or a designee of the board~~ 57975
department shall certify the person's successful completion. The 57976
~~board~~ department shall send a copy of the certification to the 57977
person and to the emergency service provider by whom the person 57978
is employed. 57979

Sec. 4742.05. (A) A career school that holds a valid 57980
certificate of registration from the state board of career 57981
colleges and schools may apply to the ~~state board~~ department of 57982
education and workforce for certification of a basic course of 57983
emergency service telecommunicator training or of continuing 57984
education coursework in emergency service telecommunicator 57985

training. The ~~state board of education~~ department shall 57986
prescribe the form of the application. 57987

(B) Upon receipt of an application, the ~~state board of~~ 57988
~~education~~ department shall review it and consider whether the 57989
proposed course or coursework meets the requirements of division 57990
(A) or (B) of section 4742.03 of the Revised Code concerning 57991
course length and content. If the proposed course or coursework 57992
meets those requirements, the ~~state board of education~~ 57993
department shall issue a certification of that fact to the 57994
career school. Inclusion of on-site verifiable electronic 57995
training as part of a proposed basic or continuing education 57996
course shall not be a reason for the ~~state board~~ department to 57997
deny certification. 57998

(C) If, after receiving a certification from the ~~state~~ 57999
~~board of education~~ department under this section, the career 58000
school changes the approved course or coursework, the prior 58001
certification is canceled and the career school shall apply to 58002
the ~~state board of education~~ department for certification of the 58003
changed course or coursework. 58004

Sec. 4742.06. (A) A person may obtain certification as an 58005
emergency service telecommunicator by successfully completing a 58006
basic course of emergency service telecommunicator training that 58007
is conducted by a career school that has obtained certification 58008
of that course from the ~~state board~~ department of education and 58009
workforce under section 4742.05 of the Revised Code. If a person 58010
successfully completes the course, the career school shall 58011
certify the person's successful completion. 58012

(B) A person may maintain certification as an emergency 58013
service telecommunicator by successfully completing continuing 58014
education coursework in emergency service telecommunicator 58015

training that is conducted by a career school that has obtained 58016
certification of that coursework from the ~~state board of~~ 58017
~~education department~~ under section 4742.05 of the Revised Code. 58018
If a person successfully completes the coursework, the career 58019
school shall certify the person's successful completion. 58020

(C) Upon certification of a person's successful completion 58021
under division (A) or (B) of this section, the career school 58022
shall send a copy of the certification to the person and to the 58023
emergency service provider that employs the person. 58024

(D) Tuition and materials costs for a person enrolled in a 58025
certified basic or continuing education course conducted by a 58026
career school shall be paid by the person, an emergency service 58027
provider, or any other entity on behalf of the person or an 58028
emergency service provider. 58029

Sec. 4742.07. The ~~state board department~~ of education and 58030
workforce and any emergency service provider or career school 58031
that certifies emergency service telecommunicators shall comply 58032
with section 4776.20 of the Revised Code. 58033

Sec. 4743.03. No board, commission, or agency created 58034
under or by virtue of Title 47 of the Revised Code shall 58035
restrict entry into any occupation, profession, or trade under 58036
its supervision or regulation by: 58037

(A) Unreasonably restricting the number of schools or 58038
other institutions it certifies or accredits for the purpose of 58039
fulfilling educational or training requirements for such 58040
occupation, profession, or trade; 58041

(B) Denying certification or accreditation for the purpose 58042
of fulfilling such educational or training requirements to any 58043
school, college, or other educational institution that has been 58044

certified by the ~~Ohio board~~ chancellor of regents higher 58045
education or the state board of career colleges and schools or 58046
to a high school for which the ~~state board~~ director of education 58047
and workforce prescribes minimum standards under division (D) of 58048
section 3301.07 of the Revised Code, unless the educational or 58049
training program offered by such school, college, or institution 58050
is not in substantial compliance with applicable standards of 58051
the occupation, profession, or trade. 58052

(C) Rules of state regulatory boards relevant to age and 58053
level of education required for admission to courses of study 58054
leading to examination and licensing in professions or 58055
occupations controlled by regulatory boards not requiring a 58056
technical, associate, or baccalaureate degree shall not apply to 58057
vocational education programs conducted in the public schools 58058
where such vocational education programs in all other respects 58059
meet the minimum standards and requirements of any regulatory 58060
board and students completing such programs are of the minimum 58061
age required for examination and licensing for the purpose of 58062
practicing professions or occupations controlled by regulatory 58063
boards. 58064

Nothing in this section shall prohibit a board, 58065
commission, or agency from prescribing and enforcing educational 58066
and training requirements and standards for certification and 58067
accreditation of schools and other institutions that constitute 58068
reasonable bases for maintaining necessary standards of 58069
performance in any occupation, profession, or trade. 58070

Sec. 4747.10. Each person currently engaged in training to 58071
become a licensed hearing aid dealer or fitter shall apply to 58072
the state speech and hearing professionals board for a hearing 58073
aid dealer's and fitter's trainee permit. The board shall issue 58074

to each applicant within thirty days of receipt of a properly 58075
completed application and payment of an application fee set by 58076
the board in rules adopted under section 4747.04 of the Revised 58077
Code, a trainee permit if such applicant meets all of the 58078
following criteria: 58079

(A) Is at least eighteen years of age; 58080

(B) Is the holder of a diploma from an accredited high 58081
school or a certificate of high school equivalence issued ~~by the~~ 58082
~~department of education~~under section 3301.80 of the Revised 58083
Code; 58084

(C) Is free of contagious or infectious disease. 58085

The board shall not deny a trainee permit issued under 58086
this section to any individual based on the individual's past 58087
criminal history unless the denial is in accordance with section 58088
9.79 of the Revised Code. 58089

In considering a renewal of an individual's trainee 58090
permit, the board shall not consider any conviction or plea of 58091
guilty prior to the issuance of the initial trainee permit. 58092
However, the board may consider a conviction or plea of guilty 58093
if it occurred after the individual was initially granted the 58094
trainee permit, or after the most recent trainee permit renewal. 58095
The board shall comply with Chapter 119. of the Revised Code 58096
when denying an individual for a trainee permit or renewal. 58097
Additionally, the board may grant an individual a conditional 58098
trainee permit that lasts for one year. After the one-year 58099
period has expired, the permit is no longer considered 58100
conditional, and the individual shall be considered to be 58101
granted a full trainee permit. 58102

Each trainee permit issued by the board expires one year 58103

from the date it was first issued, and may be renewed once if 58104
the trainee has not successfully completed the qualifying 58105
requirements for licensing as a hearing aid dealer or fitter 58106
before the expiration date of such permit. The board shall issue 58107
a renewed permit to each applicant upon receipt of a properly 58108
completed application and payment of a renewal fee set by the 58109
board in rules adopted under section 4747.04 of the Revised 58110
Code. No person holding a trainee permit shall engage in the 58111
practice of dealing in or fitting of hearing aids except while 58112
under supervision by a licensed hearing aid dealer or fitter. 58113

Sec. 4757.41. (A) This chapter shall not apply to the 58114
following: 58115

(1) A person certified by the state board of education 58116
under Chapter 3319. of the Revised Code while performing any 58117
services within the person's scope of employment by a board of 58118
education or by a private school meeting the standards 58119
prescribed by the ~~state board~~ director of education and 58120
workforce under division (D) of section 3301.07 of the Revised 58121
Code or in a program operated under Chapter 5126. of the Revised 58122
Code for training individuals with developmental disabilities; 58123

(2) Psychologists or school psychologists licensed under 58124
Chapter 4732. of the Revised Code; 58125

(3) Members of other professions licensed, certified, or 58126
registered by this state while performing services within the 58127
recognized scope, standards, and ethics of their respective 58128
professions; 58129

(4) Rabbis, priests, Christian science practitioners, 58130
clergy, or members of religious orders and other individuals 58131
participating with them in pastoral counseling when the 58132

counseling activities are within the scope of the performance of 58133
their regular or specialized ministerial duties and are 58134
performed under the auspices or sponsorship of an established 58135
and legally cognizable church, denomination, or sect or an 58136
integrated auxiliary of a church as defined in federal tax 58137
regulations, paragraph (g) (5) of 26 C.F.R. 1.6033-2 (1995), and 58138
when the individual rendering the service remains accountable to 58139
the established authority of that church, denomination, sect, or 58140
integrated auxiliary; 58141

(5) Any person who is not licensed under this chapter as a 58142
licensed professional clinical counselor, licensed professional 58143
counselor, independent social worker, or social worker and is 58144
employed in the civil service as defined in section 124.01 of 58145
the Revised Code while engaging in professional counseling or 58146
social work as a civil service employee, if on July 10, 2014, 58147
the person has at least two years of service in that capacity; 58148

(6) A student in an accredited educational institution 58149
while carrying out activities that are part of the student's 58150
prescribed course of study if the activities are supervised as 58151
required by the educational institution and if the student does 58152
not hold herself or himself out as a person licensed or 58153
registered under this chapter; 58154

(7) An individual who holds a license or certificate under 58155
Chapter 4758. of the Revised Code who is acting within the scope 58156
of the individual's license or certificate as a member of the 58157
profession of chemical dependency counseling or prevention 58158
services; 58159

(8) Any person employed by the American red cross while 58160
engaging in activities relating to services for military 58161
families and veterans and disaster relief, as described in the 58162

"American National Red Cross Act," 33 Stat. 599 (1905), 36	58163
U.S.C.A. 1, as amended;	58164
(9) Members of labor organizations who hold union	58165
counselor certificates while performing services in their	58166
official capacity as union counselors;	58167
(10) Any person employed in a hospital as defined in	58168
section 3727.01 of the Revised Code or in a nursing home as	58169
defined in section 3721.01 of the Revised Code while providing	58170
as a hospital employee or nursing home employee, respectively,	58171
social services other than counseling and the use of	58172
psychosocial interventions and social psychotherapy;	58173
(11) A vocational rehabilitation professional who is	58174
providing rehabilitation services to individuals under section	58175
3304.17 of the Revised Code, or holds certification by the	58176
commission on rehabilitation counselor certification and is	58177
providing rehabilitation counseling services consistent with the	58178
commission's standards;	58179
(12) A caseworker not licensed under this chapter as an	58180
independent social worker or social worker who is employed by a	58181
public children services agency under section 5153.112 of the	58182
Revised Code.	58183
(B) Divisions (A) (5) and (10) of this section do not	58184
prevent a person described in those divisions from obtaining a	58185
license or certificate of registration under this chapter.	58186
(C) Except as provided in divisions (A) and (D) of this	58187
section, no employee in the service of the state, including	58188
public employees as defined by Chapter 4117. of the Revised	58189
Code, shall engage in the practice of professional counseling,	58190
social work, or marriage and family therapy without the	58191

appropriate license issued by the board. Failure to comply with 58192
this division constitutes nonfeasance under section 124.34 of 58193
the Revised Code or just cause under a collective bargaining 58194
agreement. Nothing in this division restricts the director of 58195
administrative services from developing new classifications 58196
related to this division or from reassigning affected employees 58197
to appropriate classifications based on the employee's duties 58198
and qualifications. 58199

(D) Except as provided in division (A) of this section, an 58200
employee who was engaged in the practice of professional 58201
counseling, social work, or marriage and family therapy in the 58202
service of the state prior to July 10, 2014, including public 58203
employees as defined by Chapter 4117. of the Revised Code, shall 58204
comply with division (C) of this section within two years after 58205
July 10, 2014. Any such employee who fails to comply shall be 58206
removed from employment. 58207

(E) Nothing in this chapter prevents a public children 58208
services agency from employing as a caseworker a person not 58209
licensed under this chapter as an independent social worker or 58210
social worker who has the qualifications specified in section 58211
5153.112 of the Revised Code. 58212

Sec. 4758.61. An individual who holds a valid prevention 58213
specialist assistant certificate or registered applicant 58214
certificate issued under this chapter may engage in the practice 58215
of prevention services under the supervision of any of the 58216
following: 58217

(A) A prevention consultant or prevention specialist 58218
certified under this chapter; 58219

(B) An individual authorized under Chapter 4731. of the 58220

Revised Code to practice medicine and surgery or osteopathic medicine and surgery;	58221
	58222
(C) A psychologist licensed under Chapter 4732. of the Revised Code;	58223
	58224
(D) A registered nurse licensed under Chapter 4723. of the Revised Code;	58225
	58226
(E) A licensed professional clinical counselor, a licensed professional counselor, an independent social worker, a social worker, an independent marriage and family therapist, or a marriage and family therapist licensed under Chapter 4757. of the Revised Code;	58227
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	58230
	58231
(F) A school counselor licensed by the department <u>state board</u> of education pursuant to section 3319.22 of the Revised Code;	58232
	58233
	58234
(G) A health education specialist certified by the national commission for health education credentialing;	58235
	58236
(H) An individual authorized to practice as a certified nurse practitioner or clinical nurse specialist under Chapter 4723. of the Revised Code.	58237
	58238
	58239
Sec. 4779.13. To be eligible for a license to practice pedorthics, an applicant must meet all of the following requirements:	58240
	58241
	58242
(A) On the date of application, has practiced pedorthics for not less than eight months under the supervision of an individual licensed under this chapter to practice pedorthics;	58243
	58244
	58245
(B) Holds a high school diploma or certificate of high school equivalence issued by the department of education <u>and workforce</u> , or a primary-secondary education or higher education	58246
	58247
	58248

agency of another state; 58249

(C) Has completed the education, training, and experience 58250
required to take the certification examination developed by the 58251
Ohio occupational therapy, physical therapy, and athletic 58252
trainers board for certification in pedorthics or an equivalent 58253
successor organization recognized by the board. 58254

Sec. 5101.061. (A) There is hereby established in the 58255
department of job and family services the office of human 58256
services innovation. The office shall develop recommendations, 58257
as described in division (B) of this section, regarding the 58258
coordination and reform of state programs to assist the 58259
residents of this state in preparing for life and the dignity of 58260
work and to promote individual responsibility and work 58261
opportunity. 58262

The director of job and family services shall establish 58263
the office's organizational structure, may reassign the 58264
department's staff and resources as necessary to support the 58265
office's activities, and is responsible for the office's 58266
operations. The department of education and 58267
workforce~~superintendent of public instruction~~, chancellor of 58268
higher education, and director of the governor's office of 58269
workforce transformation shall assist the director of job and 58270
family services with leadership and organizational support for 58271
the office. 58272

(B) Not later than January 1, 2015, the office shall 58273
submit to the governor recommendations for all of the following: 58274

(1) Coordinating services across all public assistance 58275
programs to help individuals find employment, succeed at work, 58276
and stay out of poverty; 58277

(2) Revising incentives for public assistance programs to foster person-centered case management;	58278 58279
(3) Standardizing and automating eligibility determination policies and processes for public assistance programs;	58280 58281
(4) Other matters the office considers appropriate.	58282
(C) Not later than three months after September 15, 2014, the office shall establish clear principles to guide the development of its recommendations, shall identify in detail the problems to be addressed in the recommendations, and shall make an inventory of all state and other resources that the office considers relevant to the recommendations.	58283 58284 58285 58286 58287 58288
(D) The office shall convene the directors and staff of the departments, agencies, offices, boards, commissions, and institutions of the executive branch of the state as necessary to develop the office's recommendations. The departments, agencies, offices, boards, commissions, and institutions shall comply with all requests and directives that the office makes, subject to the supervision of the directors of the departments, agencies, offices, boards, commissions, and institutions. The office also shall convene other individuals interested in the issues that the office addresses in the development of the recommendations to obtain their input on, and support for, the recommendations.	58289 58290 58291 58292 58293 58294 58295 58296 58297 58298 58299 58300
Sec. 5101.34. (A) There is hereby created in the department of job and family services the Ohio commission on fatherhood. The commission shall consist of the following members:	58301 58302 58303 58304
(1) (a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom	58305 58306

are members of the same political party. Two of the members must
be from legislative districts that include a county or part of a
county that is among the one-third of counties in this state
with the highest number per capita of households headed by
females.

(b) Two members of the senate appointed by the president
of the senate, each from a different political party. One of the
members must be from a legislative district that includes a
county or part of a county that is among the one-third of
counties in this state with the highest number per capita of
households headed by females.

(2) The governor, or the governor's designee;

(3) One representative of the judicial branch of
government appointed by the chief justice of the supreme court;

(4) The directors of health, job and family services,
rehabilitation and correction, mental health and addiction
services, ~~and youth services and the superintendent of public~~
~~instruction, and education and workforce~~, or their designees;

(5) One representative of the Ohio family and children
first cabinet council created under section 121.37 of the
Revised Code appointed by the chairperson of the council;

(6) Five representatives of the general public appointed
by the governor. These members shall have extensive experience
in issues related to fatherhood.

(B) The appointing authorities of the Ohio commission on
fatherhood shall make initial appointments to the commission
within thirty days after September 29, 1999. Of the initial
appointments to the commission made pursuant to divisions (A)
(3), (5), and (6) of this section, three of the members shall

serve a term of one year and four shall serve a term of two 58336
years. Members so appointed subsequently shall serve two-year 58337
terms. A member appointed pursuant to division (A) (1) of this 58338
section shall serve on the commission until the end of the 58339
general assembly from which the member was appointed or until 58340
the member ceases to serve in the chamber of the general 58341
assembly in which the member serves at the time of appointment, 58342
whichever occurs first. The governor or the governor's designee 58343
shall serve on the commission until the governor ceases to be 58344
governor. The directors ~~and superintendent~~ or their designees 58345
shall serve on the commission until they cease, or the director 58346
~~or superintendent~~ a designee represents ceases, to be director 58347
~~or superintendent~~. Each member shall serve on the commission 58348
from the date of appointment until the end of the term for which 58349
the member was appointed. Members may be reappointed. 58350

Vacancies shall be filled in the manner provided for 58351
original appointments. Any member appointed to fill a vacancy 58352
occurring prior to the expiration date of the term for which the 58353
member's predecessor was appointed shall serve on the commission 58354
for the remainder of that term. A member shall continue to serve 58355
on the commission subsequent to the expiration date of the 58356
member's term until the member's successor is appointed or until 58357
a period of sixty days has elapsed, whichever occurs first. 58358
Members shall serve without compensation but shall be reimbursed 58359
for necessary expenses. 58360

Sec. 5103.02. As used in sections 5103.03 to 5103.181 of 58361
the Revised Code: 58362

(A) (1) "Association" or "institution" includes all of the 58363
following: 58364

(a) Any incorporated or unincorporated organization, 58365

society, association, or agency, public or private, that 58366
receives or cares for children for two or more consecutive 58367
weeks; 58368

(b) Any individual, including the operator of a foster 58369
home, who, for hire, gain, or reward, receives or cares for 58370
children for two or more consecutive weeks, unless the 58371
individual is related to them by blood or marriage; 58372

(c) Any individual not in the regular employ of a court, 58373
or of an institution or association certified in accordance with 58374
section 5103.03 of the Revised Code, who in any manner becomes a 58375
party to the placing of children in foster homes, unless the 58376
individual is related to such children by blood or marriage or 58377
is the appointed guardian of such children. 58378

(2) "Association" or "institution" does not include any of 58379
the following: 58380

(a) Any organization, society, association, school, 58381
agency, child guidance center, detention or rehabilitation 58382
facility, or children's clinic licensed, regulated, approved, 58383
operated under the direction of, or otherwise certified by the 58384
department of education and workforce, a local board of 58385
education, the department of youth services, the department of 58386
mental health and addiction services, or the department of 58387
developmental disabilities; 58388

(b) Any individual who provides care for only a single- 58389
family group, placed there by their parents or other relative 58390
having custody; 58391

(c) A private, nonprofit therapeutic wilderness camp; 58392

(d) A qualified organization as defined in section 2151.90 58393
of the Revised Code. 58394

(B) "Family foster home" means a foster home that is not a specialized foster home.	58395 58396
(C) "Foster caregiver" means a person holding a valid foster home certificate issued under section 5103.03 of the Revised Code.	58397 58398 58399
(D) "Foster home" means a private residence in which children are received apart from their parents, guardian, or legal custodian, by an individual reimbursed for providing the children nonsecure care, supervision, or training twenty-four hours a day. "Foster home" does not include care provided for a child in the home of a person other than the child's parent, guardian, or legal custodian while the parent, guardian, or legal custodian is temporarily away. Family foster homes and specialized foster homes are types of foster homes.	58400 58401 58402 58403 58404 58405 58406 58407 58408
(E) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.	58409 58410
(F) "Medically fragile foster home" means a foster home that provides specialized medical services designed to meet the needs of children with intensive health care needs who meet all of the following criteria:	58411 58412 58413 58414
(1) Under rules adopted by the medicaid director governing medicaid payments for long-term care services, the children require a skilled level of care.	58415 58416 58417
(2) The children require the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of their medical conditions.	58418 58419 58420
(3) The children require the services of a registered nurse on a daily basis.	58421 58422

(4) The children are at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.

(G) "Private, nonprofit therapeutic wilderness camp" means a structured, alternative residential setting for children who are experiencing emotional, behavioral, moral, social, or learning difficulties at home or school in which all of the following are the case:

(1) The children spend the majority of their time, including overnight, either outdoors or in a primitive structure.

(2) The children have been placed there by their parents or another relative having custody.

(3) The camp accepts no public funds for use in its operations.

(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:

(1) Issue a certificate;

(2) Deny a certificate;

(3) Renew a certificate;

(4) Deny renewal of a certificate;

(5) Revoke a certificate.

(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.

(J) "Resource family" means a foster home or the kinship caregiver family. 58450
58451

(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 58452
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(L) "Treatment foster home" means a foster home that 58454
incorporates special rehabilitative services designed to treat 58455
the specific needs of the children received in the foster home 58456
and that receives and cares for children who are emotionally or 58457
behaviorally disturbed, who are chemically dependent, who have 58458
developmental disabilities, or who otherwise have exceptional 58459
needs. 58460

Sec. 5103.08. The department of job and family services 58461
may enter into contracts with the department of education and 58462
workforce authorizing the department of job and family services 58463
to administer funds received by the department of education and 58464
workforce under the "State Dependent Care Development Grants 58465
Act," 100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In 58466
fulfilling its duties under such a contract, the department of 58467
job and family services may make grants to or enter into 58468
contracts with other public or private entities. 58469

Sec. 5103.13. (A) As used in this section and section 58470
5103.131 of the Revised Code: 58471

(1) (a) "Children's crisis care facility" means a facility 58472
that has as its primary purpose the provision of residential and 58473
other care to either or both of the following: 58474

(i) One or more preteens voluntarily placed in the 58475
facility by the preteen's parent or other caretaker who is 58476
facing a crisis that causes the parent or other caretaker to 58477
seek temporary care for the preteen and referral for support 58478

services; 58479

(ii) One or more preteens placed in the facility by a 58480
public children services agency or private child placing agency 58481
that has legal custody or permanent custody of the preteen and 58482
determines that an emergency situation exists necessitating the 58483
preteen's placement in the facility rather than an institution 58484
certified under section 5103.03 of the Revised Code or 58485
elsewhere. 58486

(b) "Children's crisis care facility" does not include any 58487
of the following: 58488

(i) Any organization, society, association, school, 58489
agency, child guidance center, detention or rehabilitation 58490
facility, or children's clinic licensed, regulated, approved, 58491
operated under the direction of, or otherwise certified by the 58492
department of education and workforce, a local board of 58493
education, the department of youth services, the department of 58494
mental health and addiction services, or the department of 58495
developmental disabilities; 58496

(ii) Any individual who provides care for only a single- 58497
family group, placed there by their parents or other relative 58498
having custody; 58499

(iii) Any residential infant care center, as an entity 58500
deemed a residential infant care center under section 5103.602 58501
of the Revised Code shall no longer be licensed as a children's 58502
crisis care center. 58503

(2) "Legal custody" and "permanent custody" have the same 58504
meanings as in section 2151.011 of the Revised Code. 58505

(3) "Pediatric medical service" means medical service 58506
required to be provided by, or with oversight from, a licensed 58507

medical professional, including prescribing medication, 58508
administering rectal or intravenous medication, and outpatient 58509
laboratory service, and providing for sick visits, on-site well 58510
child exams, and children assisted by medical technology. 58511

(4) "Preteen" means an individual under thirteen years of 58512
age. 58513

(B) No person shall operate a children's crisis care 58514
facility or hold a children's crisis care facility out as a 58515
certified children's crisis care facility unless there is a 58516
valid children's crisis care facility certificate issued under 58517
this section for the facility. 58518

(C) (1) A person seeking to operate a children's crisis 58519
care facility shall apply to the director of job and family 58520
services to obtain a certificate for the facility. 58521

(2) (a) The director shall certify the person's children's 58522
crisis care facility if the facility meets all of the 58523
certification standards established in rules adopted under 58524
division (H) of this section and the person complies with all of 58525
the rules governing the certification of children's crisis care 58526
facilities adopted under that division. The issuance of a 58527
children's crisis care facility certificate does not exempt the 58528
facility from a requirement to obtain another certificate or 58529
license mandated by law. 58530

(b) The director shall not issue a waiver to a person for 58531
compliance with any of the requirements imposed under this 58532
section or any of the rules adopted under division (H) of this 58533
section. 58534

(D) No certified children's crisis care facility shall do 58535
any of the following: 58536

(1) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;	58537 58538
(2) Provide residential care to a preteen for more than ninety consecutive days, which shall include the aggregate of days spent at different facility locations if a preteen is transferred in accordance with division (E) (4) of this section;	58539 58540 58541 58542
(3) Provide residential care to a preteen for more than fourteen consecutive days if a public children services agency or private child placing agency placed the preteen in the facility;	58543 58544 58545 58546
(4) Fail to comply with section 2151.86 of the Revised Code.	58547 58548
(E) A certified children's crisis care facility shall do the following:	58549 58550
(1) Employ a licensed social worker, a licensed independent social worker, a licensed professional counselor, or a licensed professional clinical counselor;	58551 58552 58553
(2) Require, if pediatric medical service is provided at the facility, the following for the provision of pediatric medical service:	58554 58555 58556
(a) Medical service to be provided by a qualified, licensed, and insured medical professional;	58557 58558
(b) All staff, volunteers, and interns to comply with the privacy requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended;	58559 58560 58561 58562
(c) If a preteen is admitted by the preteen's parent or caretaker and if the preteen requires ongoing medical care	58563 58564

following discharge from the facility, a medical professional or 58565
licensed social worker to make the medical professional's or 58566
social worker's best effort to ensure the parent or caretaker is 58567
competent to provide the ongoing care; 58568

(d) The facility to have a dedicated and private enclosed 58569
space for the purpose of a medical professional to receive and 58570
treat patients and that contains a sink or tub, medical exam 58571
table, medical record system, and pediatric medical equipment. 58572

(3) Require, if a preteen is admitted by the preteen's 58573
parent or caretaker, the facility's licensed social worker, 58574
licensed independent social worker, licensed professional 58575
counselor, or licensed professional clinical counselor to make 58576
their best efforts to ensure the parent or caretaker is 58577
competent in the basic parenting skills needed to care for the 58578
preteen; 58579

(4) Require only a transfer summary for the transfer of a 58580
preteen from one certified children's crisis care facility 58581
location to another, if the facility has more than one location; 58582

(5) Require the facility to have a dedicated and private 58583
enclosed space for the purpose of completing required admission 58584
paperwork and medical forms; 58585

(6) Require the facility to develop a visitation plan for 58586
the preteen's parent or caretaker with the preteen while 58587
residential care is being provided, which shall occur during 58588
awake hours and not include overnight visits, for the parent or 58589
caretaker with the preteen. 58590

(F) A certified children's crisis care facility may do the 58591
following: 58592

(1) Count administrative staff, interns, and volunteers 58593

toward child staff ratios required under paragraph (G) of rule 58594
5101:2-9-36 of the Administrative Code for up to three hours if 58595
the administrative staff, interns, or volunteers meet the 58596
following requirements: 58597

(a) Completed training in the mission of the children's 58598
crisis care facility; 58599

(b) Completed training pursuant to rule 5101:2-9-03 of the 58600
Administrative Code; 58601

(c) Are supervised by facility staff. 58602

(2) Use contracted transportation providers, on whom 58603
criminal records checks have been conducted in accordance with 58604
section 2151.86 of the Revised Code, to transport preteens, if 58605
such use is necessary for the facility to maintain required 58606
child staff ratios. 58607

(G) The director of job and family services may suspend or 58608
revoke a children's crisis care facility's certificate pursuant 58609
to Chapter 119. of the Revised Code if the facility violates or 58610
fails to comply with any of the requirements under this section 58611
or ceases to meet any of the certification standards established 58612
in rules adopted under division (H) of this section or the 58613
facility's operator ceases to comply with any of the rules 58614
governing the certification of children's crisis care facilities 58615
adopted under that division. 58616

(H) Not later than ninety days after September 21, 2006, 58617
the director of job and family services shall adopt rules 58618
pursuant to Chapter 119. of the Revised Code for the 58619
certification of children's crisis care facilities. The rules 58620
shall specify that a certificate shall not be issued to an 58621
applicant if the conditions at the children's crisis care 58622

facility would jeopardize the health or safety of the preteens 58623
placed in the facility. 58624

Sec. 5103.55. A parent of a child attending a private, 58625
nonprofit therapeutic wilderness camp is not relieved of the 58626
parent's obligations regarding compulsory school attendance 58627
pursuant to section 3321.04 or 3321.042 of the Revised Code. 58628

Sec. 5104.01. As used in this chapter: 58629

(A) "Administrator" means the person responsible for the 58630
daily operation of a center, type A home, or approved child day 58631
camp. The administrator and the owner may be the same person. 58632

(B) "Approved child day camp" means a child day camp 58633
approved pursuant to section 5104.22 of the Revised Code. 58634

(C) "Authorized representative" means an individual 58635
employed by a center, type A home, or approved child day camp 58636
that is owned by a person other than an individual and who is 58637
authorized by the owner to do all of the following: 58638

(1) Communicate on the owner's behalf; 58639

(2) Submit on the owner's behalf applications for 58640
licensure or approval; 58641

(3) Enter into on the owner's behalf provider agreements 58642
for publicly funded child care. 58643

(D) "Border state child care provider" means a child care 58644
provider that is located in a state bordering Ohio and that is 58645
licensed, certified, or otherwise approved by that state to 58646
provide child care funded by the child care block grant act. 58647

(E) "Career pathways model" means an alternative pathway 58648
to meeting the requirements to be a child-care staff member or 58649

administrator that does both of the following: 58650

(1) Uses a framework approved by the director of job and 58651
family services to document formal education, training, 58652
experience, and specialized credentials and certifications; 58653

(2) Allows the child-care staff member or administrator to 58654
achieve a designation as an early childhood professional level 58655
one, two, three, four, five, or six. 58656

(F) "Caretaker parent" means the father or mother of a 58657
child whose presence in the home is needed as the caretaker of 58658
the child, a person who has legal custody of a child and whose 58659
presence in the home is needed as the caretaker of the child, a 58660
guardian of a child whose presence in the home is needed as the 58661
caretaker of the child, and any other person who stands in loco 58662
parentis with respect to the child and whose presence in the 58663
home is needed as the caretaker of the child. 58664

(G) "Chartered nonpublic school" means a school that meets 58665
standards for nonpublic schools prescribed by the ~~state board~~ 58666
director of education and workforce for nonpublic schools 58667
pursuant to section 3301.07 of the Revised Code. 58668

(H) "Child" includes an infant, toddler, preschool-age 58669
child, or school-age child. 58670

(I) "Child care block grant act" means the "Child Care and 58671
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 58672
U.S.C. 9858, as amended. 58673

(J) "Child day camp" means a program in which only school- 58674
age children attend or participate, that operates for no more 58675
than twelve hours per day and no more than fifteen weeks during 58676
the summer. For purposes of this division, the maximum twelve 58677
hours of operation time does not include transportation time 58678

from a child's home to a child day camp and from a child day
camp to a child's home. 58679
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(K) "Child care" means all of the following: 58681

(1) Administering to the needs of infants, toddlers,
preschool-age children, and school-age children outside of
school hours; 58682
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(2) By persons other than their parents, guardians, or
custodians; 58685
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(3) For part of the twenty-four-hour day; 58687

(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; 58688
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(5) By a provider required by this chapter to be licensed
or approved by the department of job and family services,
certified by a county department of job and family services, or
under contract with the department to provide publicly funded
child care as described in section 5104.32 of the Revised Code. 58690
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(L) "Child day-care center" and "center" mean any place
that is not the permanent residence of the licensee or
administrator in which child care or publicly funded child care
is provided for seven or more children at one time. "Child day-
care center" and "center" do not include any of the following: 58695
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(1) A place located in and operated by a hospital, as
defined in section 3727.01 of the Revised Code, in which the
needs of children are administered to, if all the children whose
needs are being administered to are monitored under the on-site
supervision of a physician licensed under Chapter 4731. of the
Revised Code or a registered nurse licensed under Chapter 4723.
of the Revised Code, and the services are provided only for 58700
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children who, in the opinion of the child's parent, guardian, or
custodian, are exhibiting symptoms of a communicable disease or
other illness or are injured; 58707
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(2) A child day camp; 58710

(3) A place that provides care, if all of the following
apply: 58711
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(a) An organized religious body provides the care; 58713

(b) A parent, custodian, or guardian of at least one child
receiving care is on the premises and readily accessible at all
times; 58714
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(c) The care is not provided for more than thirty days a
year; 58717
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(d) The care is provided only for preschool-age and
school-age children. 58719
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(M) "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. 58721
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(N) "Child care resource and referral services" means all
of the following services: 58725
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(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; 58727
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(2) Provision of individualized consumer education to
families seeking child care; 58730
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(3) Provision of timely referrals of available child care
providers to families seeking child care; 58732
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(4) Recruitment of child care providers;	58734
(5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;	58735 58736 58737 58738
(6) Collection and analysis of data on the supply of and demand for child care in the community;	58739 58740
(7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;	58741 58742 58743
(8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;	58744 58745 58746
(9) Provision of written educational materials to caretaker parents and informational resources to child care providers;	58747 58748 58749
(10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;	58750 58751 58752 58753 58754
(11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.	58755 58756 58757 58758
(O) "Child-care staff member" means an employee of a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp who is	58759 58760 58761

primarily responsible for the care and supervision of children. 58762
The administrator, authorized representative, or owner may be a 58763
child-care staff member when not involved in other duties. 58764

(P) "Drop-in child day-care center," "drop-in center," 58765
"drop-in type A family day-care home," and "drop-in type A home" 58766
mean a center or type A home that provides child care or 58767
publicly funded child care for children on a temporary, 58768
irregular basis. 58769

(Q) "Employee" means a person who either: 58770

(1) Receives compensation for duties performed in a child 58771
day-care center, type A family day-care home, licensed type B 58772
family day-care home, or approved child day camp; 58773

(2) Is assigned specific working hours or duties in a 58774
child day-care center, type A family day-care home, licensed 58775
type B family day-care home, or approved child day camp. 58776

(R) "Employer" means a person, firm, institution, 58777
organization, or agency that operates a child day-care center, 58778
type A family day-care home, licensed type B family day-care 58779
home, or approved child day camp subject to licensure or 58780
approval under this chapter. 58781

(S) "Federal poverty line" means the official poverty 58782
guideline as revised annually in accordance with section 673(2) 58783
of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 58784
511, 42 U.S.C. 9902, as amended, for a family size equal to the 58785
size of the family of the person whose income is being 58786
determined. 58787

(T) "Head start program" means a school-readiness program 58788
that satisfies all of the following: 58789

(1) Is for children from birth to age five who are from low-income families;	58790 58791
(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;	58792 58793 58794
(3) Is licensed as a child care program.	58795
(U) "Homeless child care" means child care provided to a child who satisfies any of the following:	58796 58797
(1) Is homeless as defined in 42 U.S.C. 11302;	58798
(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;	58799 58800
(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.	58801 58802 58803 58804
(V) "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.	58805 58806 58807
(W) "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 with licensing requirements.	58808 58809 58810 58811 58812 58813 58814
(X) "Infant" means a child who is less than eighteen months of age.	58815 58816

(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.

(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist.

(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center, type A family day-care home, or licensed type B family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play equipment, materials, and supplies.

(BB) "Licensed child care program" means any of the following:

(1) A child day-care center licensed by the department of job and family services pursuant to this chapter;

(2) A type A family day-care home or type B family day-care home licensed by the department of job and family services pursuant to this chapter;

(3) A licensed preschool program or licensed school child program.	58846 58847
(CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education <u>and workforce</u> pursuant to sections 3301.52 to 3301.59 of the Revised Code.	58848 58849 58850 58851 58852
(DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code.	58853 58854 58855 58856
(EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter.	58857 58858 58859 58860 58861
(FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.	58862 58863
(GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.	58864 58865
(HH) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care home," and "parent cooperative type A home" mean a corporation or association organized for providing educational services to the children of members of the corporation or association, without gain to the corporation or association as an entity, in which the services of the corporation or association are provided only to children of the members of the corporation or association, ownership and control of the corporation or	58866 58867 58868 58869 58870 58871 58872 58873 58874

association rests solely with the members of the corporation or 58875
association, and at least one parent-member of the corporation 58876
or association is on the premises of the center or type A home 58877
during its hours of operation. 58878

(II) "Part-time child day-care center," "part-time 58879
center," "part-time type A family day-care home," and "part-time 58880
type A home" mean a center or type A home that provides child 58881
care or publicly funded child care for not more than four hours 58882
a day for any child or not more than fifteen consecutive weeks 58883
per year, regardless of the number of hours per day. 58884

(JJ) "Place of worship" means a building where activities 58885
of an organized religious group are conducted and includes the 58886
grounds and any other buildings on the grounds used for such 58887
activities. 58888

(KK) "Preschool-age child" means a child who is three 58889
years old or older but is not a school-age child. 58890

(LL) "Protective child care" means publicly funded child 58891
care for the direct care and protection of a child to whom all 58892
of the following apply: 58893

(1) A case plan has been prepared and maintained for the 58894
child pursuant to section 2151.412 of the Revised Code. 58895

(2) The case plan indicates a need for protective care. 58896

(3) The child resides with a parent, stepparent, guardian, 58897
or another person who stands in loco parentis as defined in 58898
rules adopted under section 5104.38 of the Revised Code. 58899

(MM) "Publicly funded child care" means administering to 58900
the needs of infants, toddlers, preschool-age children, and 58901
school-age children under age thirteen during any part of the 58902

twenty-four-hour day by persons other than their caretaker 58903
parents for remuneration wholly or in part with federal or state 58904
funds, including funds available under the child care block 58905
grant act, Title IV-A, and Title XX, distributed by the 58906
department of job and family services. 58907

(NN) "Religious activities" means any of the following: 58908
worship or other religious services; religious instruction; 58909
Sunday school classes or other religious classes conducted 58910
during or prior to worship or other religious services; youth or 58911
adult fellowship activities; choir or other musical group 58912
practices or programs; meals; festivals; or meetings conducted 58913
by an organized religious group. 58914

(OO) "School-age child" means a child who is enrolled in 58915
or is eligible to be enrolled in a grade of kindergarten or 58916
above but is less than fifteen years old or, in the case of a 58917
child who is receiving special needs child care, is less than 58918
eighteen years old. 58919

(PP) "Serious risk noncompliance" means a licensure or 58920
certification rule violation that leads to a great risk of harm 58921
to, or death of, a child, and is observable, not inferable. 58922

(QQ) "Special needs child care" means child care provided 58923
to a child who is less than eighteen years of age and either has 58924
one or more chronic health conditions or does not meet age 58925
appropriate expectations in one or more areas of development, 58926
including social, emotional, cognitive, communicative, 58927
perceptual, motor, physical, and behavioral development and that 58928
may include on a regular basis such services, adaptations, 58929
modifications, or adjustments needed to assist in the child's 58930
function or development. 58931

(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 58932
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(SS) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 58934
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(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age. 58936
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(UU) "Type A family day-care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related to a licensee, administrator, or employee and who are on 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. 58938
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(VV) "Type B family day-care home" and "type B home" mean a permanent residence of the provider in which 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. 58950
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Sec. 5104.015. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised 58959
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Code governing the operation of child day-care centers, 58961
including parent cooperative centers, part-time centers, and 58962
drop-in centers. The rules shall reflect the various forms of 58963
child care and the needs of children receiving child care or 58964
publicly funded child care and shall include specific rules for 58965
school-age child care centers that are developed in consultation 58966
with the department of education and workforce. The rules shall 58967
include the following: 58968

(A) Submission of a site plan and descriptive plan of 58969
operation to demonstrate how the center proposes to meet the 58970
requirements of this chapter and rules adopted pursuant to this 58971
chapter for the initial license application; 58972

(B) Standards for ensuring that the physical surroundings 58973
of the center are safe and sanitary including the physical 58974
environment, the physical plant, and the equipment of the 58975
center; 58976

(C) Standards for the supervision, care, and discipline of 58977
children receiving child care or publicly funded child care in 58978
the center; 58979

(D) Standards for a program of activities, and for play 58980
equipment, materials, and supplies, to enhance the development 58981
of each child; however, any educational curricula, philosophies, 58982
and methodologies that are developmentally appropriate and that 58983
enhance the social, emotional, intellectual, and physical 58984
development of each child shall be permissible. As used in this 58985
division, "program" does not include instruction in religious or 58986
moral doctrines, beliefs, or values that is conducted at child 58987
day-care centers owned and operated by churches and does include 58988
methods of disciplining children at child day-care centers. 58989

(E) Admissions policies and procedures;	58990
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	58991 58992 58993
(G) First aid and emergency procedures;	58994
(H) Procedures for discipline and supervision of children;	58995
(I) Standards for the provision of nutritious meals and snacks;	58996 58997
(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	58998 58999 59000
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	59001 59002
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	59003 59004 59005 59006
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	59007 59008 59009
(N) Procedures for record keeping, organization, and administration;	59010 59011
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	59012 59013 59014
(P) Inspection procedures;	59015
(Q) Procedures and standards for setting initial license	59016

application fees;	59017
(R) Procedures for receiving, recording, and responding to complaints about centers;	59018 59019
(S) Procedures for enforcing section 5104.04 of the Revised Code;	59020 59021
(T) Minimum qualifications for employment as an administrator or child-care staff member;	59022 59023
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	59024 59025 59026 59027
(V) Standards providing for the special needs of children who are handicapped or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;	59028 59029 59030 59031
(W) A procedure for reporting of injuries of children that occur at the center;	59032 59033
(X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;	59034 59035 59036
(Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	59037 59038 59039
(Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.	59040 59041 59042
Sec. 5104.02. (A) The director of job and family services	59043

is responsible for licensing child day-care centers, type A 59044
family day-care homes, and type B family day-care homes. Each 59045
entity operating a head start program shall meet the criteria 59046
for, and be licensed as, a child day-care center. The director 59047
is responsible for the enforcement of this chapter and of rules 59048
promulgated pursuant to this chapter. 59049

No person, firm, organization, institution, or agency 59050
shall operate, establish, manage, conduct, or maintain a child 59051
day-care center or type A family day-care home without a license 59052
issued under section 5104.03 of the Revised Code. The current 59053
license shall be posted in the center or home in a conspicuous 59054
place that is accessible to parents, custodians, or guardians 59055
and employees of the center or home at all times when the center 59056
or home is in operation. 59057

(B) A person, firm, institution, organization, or agency 59058
operating any of the following programs is exempt from the 59059
requirements of this chapter: 59060

(1) A program caring for children that operates for two 59061
consecutive weeks or less and not more than six weeks total in 59062
each calendar year; 59063

(2) Caring for children in places of worship during 59064
religious activities while at least one parent, guardian, or 59065
custodian of each child is participating in such activities and 59066
is readily available; 59067

(3) Supervised training, instruction, or activities of 59068
children in specific areas, including, but not limited to: art; 59069
drama; dance; music; athletic skills or sports; computers; or an 59070
educational subject conducted on an organized or periodic basis 59071
that a child does not attend for more than eight total hours per 59072

- week; 59073
- (4) Programs in which the director determines that at 59074
least one parent, custodian, or guardian of each child who is 59075
not an employee of the facility engaged in employment duties is 59076
on the premises of the facility that offers care and is readily 59077
accessible at all times; 59078
- (5) Programs that provide care and are regulated by state 59079
departments other than the department of job and family services 59080
or the ~~state board~~ department of education and workforce. 59081
- (6) Any preschool program or school child program, except 59082
a head start program, that is subject to licensure by the 59083
department of education and workforce under sections 3301.52 to 59084
3301.59 of the Revised Code. 59085
- (7) Any program providing care that meets all of the 59086
following requirements and, on October 20, 1987, was being 59087
operated by a nonpublic school that holds a charter issued ~~by~~ 59088
~~the state board of education under section 3301.16 of the~~ 59089
Revised Code for kindergarten only: 59090
- (a) The nonpublic school has given the notice to the state 59091
board of education and the director of job and family services 59092
required by Section 4 of Substitute House Bill No. 253 of the 59093
117th general assembly; 59094
- (b) The nonpublic school continues to be chartered by the 59095
~~state board~~ department of education and workforce for 59096
kindergarten, or receives and continues to hold a charter from 59097
the ~~state board~~ department for kindergarten through grade five; 59098
- (c) The program is conducted in a school building; 59099
- (d) The program is operated in accordance with rules 59100

promulgated by the ~~state board~~ department of education and 59101
workforce under section 3301.53 of the Revised Code. 59102

(8) A youth development program operated outside of school 59103
hours to which all of the following apply: 59104

(a) The children enrolled in the program are under 59105
nineteen years of age and enrolled in or eligible to be enrolled 59106
in a grade of kindergarten or above. 59107

(b) The program provides informal care, which is care that 59108
does not require parental signature, permission, or notice for 59109
the child receiving the care to enter or leave the program. 59110

(c) The program provides any of the following supervised 59111
activities: educational, recreational, culturally enriching, 59112
social, and personal development activities. 59113

(d) The entity operating the program is exempt from 59114
federal income taxation pursuant to 26 U.S.C. 501(a) and (c) (3). 59115

(9) A preschool program operated by a nonchartered, 59116
nontax-supported school if the preschool program meets all of 59117
the following conditions: 59118

(a) The program complies with state and local health, 59119
fire, and safety laws. 59120

(b) The program annually certifies in a report to the 59121
parents of its pupils that the school is in compliance with 59122
division (B) (9) (a) of this section and files a copy of the 59123
report with the department of job and family services on or 59124
before the thirtieth day of September of each year. 59125

(c) The program complies with all applicable reporting 59126
requirements in the same manner as required by the ~~state board~~ 59127
department of education and workforce for nonchartered, 59128

nonpublic primary and secondary schools. 59129

(d) The program is associated with a nonchartered, nontax- 59130
supported primary or secondary school. 59131

(10) A program that provides activities for children who 59132
are five years of age or older and is operated by a county, 59133
township, municipal corporation, township park district created 59134
under section 511.18 of the Revised Code, park district created 59135
under section 1545.04 of the Revised Code, or joint recreation 59136
district established under section 755.14 of the Revised Code. 59137

Sec. 5104.053. As a precondition of approval by the ~~state-~~ 59138
~~board-department~~ of education and workforce pursuant to section 59139
3313.813 of the Revised Code for receipt of United States 59140
department of agriculture child and adult care food program 59141
funds established under the "National School Lunch Act," 60 59142
Stat. 230 (1946), 42 U.S.C. 1751, as amended, the provider of 59143
child care in a type B family day-care home that is not licensed 59144
by the director of job and family services shall request an 59145
inspection of the type B home by the fire marshal, who shall 59146
inspect the type B home pursuant to section 3737.22 of the 59147
Revised Code to determine that it is in compliance with rules 59148
established pursuant to section 5104.052 of the Revised Code for 59149
licensed type B homes. 59150

Sec. 5104.08. (A) There is hereby created in the 59151
department of job and family services a child care advisory 59152
council to advise and assist the department in the 59153
administration of this chapter and in the development of child 59154
care. The council shall consist of twenty-two voting members 59155
appointed by the director of job and family services with the 59156
approval of the governor. The director of job and family 59157
services, the director of developmental disabilities, the 59158

director of mental health and addiction services, the 59159
~~superintendent of public instruction~~director of education and 59160
workforce, the director of health, the director of commerce, and 59161
the state fire marshal shall serve as nonvoting members of the 59162
council. 59163

Six members shall be representatives of child care centers 59164
subject to licensing, the members to represent a variety of 59165
centers, including nonprofit and proprietary, from different 59166
geographical areas of the state. At least three members shall be 59167
parents, guardians, or custodians of children receiving child 59168
care or publicly funded child care in the child's own home, a 59169
center, a type A home, a head start program, a licensed type B 59170
home, or a type B home at the time of appointment. Three members 59171
shall be representatives of in-home aides, type A homes, 59172
licensed type B homes, or type B homes or head start programs. 59173
At least six members shall represent county departments of job 59174
and family services. The remaining members shall be 59175
representatives of the teaching, child development, and health 59176
professions, and other individuals interested in the welfare of 59177
children. At least six members of the council shall not be 59178
employees or licensees of a child day-care center, head start 59179
program, or type A home, or providers operating a licensed type 59180
B home or type B home, or in-home aides. 59181

Appointments shall be for three-year terms. Vacancies 59182
shall be filled for the unexpired terms. A member of the council 59183
is subject to removal by the director of job and family services 59184
for a willful and flagrant exercise of authority or power that 59185
is not authorized by law, for a refusal or willful neglect to 59186
perform any official duty as a member of the council imposed by 59187
law, or for being guilty of misfeasance, malfeasance, 59188
nonfeasance, or gross neglect of duty as a member of the 59189

council. 59190

There shall be two co-chairpersons of the council. One co-chairperson shall be the director of job and family services or the director's designee, and one co-chairperson shall be elected by the members of the council. The council shall meet as often as is necessary to perform its duties, provided that it shall meet at least once in each quarter of each calendar year and at the call of the co-chairpersons. The co-chairpersons or their designee shall send to each member a written notice of the date, time, and place of each meeting. 59191
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Members of the council shall serve without compensation, but shall be reimbursed for necessary expenses. 59200
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(B) The child care advisory council shall advise the director on matters affecting the licensing of centers, type A homes, and type B homes and the certification of in-home aides. The council shall make an annual report to the director of job and family services that addresses the availability, affordability, accessibility, and quality of child care and that summarizes the recommendations and plans of action that the council has proposed to the director during the preceding fiscal year. The director of job and family services shall provide copies of the report to the governor, speaker and minority leader of the house of representatives, and the president and minority leader of the senate and, on request, shall make copies available to the public. 59202
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(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 59215
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Sec. 5104.29. (A) As used in this section, "early learning 59218

and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code. 59219
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(B) There is hereby created in the department of job and family services the step up to quality program, under which the department of job and family services, in cooperation with the department of education and workforce, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components: 59221
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(1) Quality program standards for early learning and development programs; 59228
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(2) Accountability measures that include tiered ratings representing each program's level of quality; 59230
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(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program; 59232
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(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards; 59235
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(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children. 59238
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(C) The step up to quality program shall have the following goals: 59241
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(1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs; 59243
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(2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs; 59247
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(3) Recognizing and supporting early learning and development programs that achieve higher levels of quality; 59250
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(4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems. 59252
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(D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards. 59255
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(E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains: 59260
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(1) Learning and development; 59264

(2) Administration and leadership practices; 59265

(3) Staff quality and professional development; 59266

(4) Family and community partnerships. 59267

(F) The director of job and family services, in collaboration with the ~~superintendent of public instruction~~ director of education and workforce, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.- 59268
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Sec. 5104.30. (A) The department of job and family services is hereby designated as the state agency responsible for administration and coordination of federal and state funding for publicly funded child care in this state. Publicly funded child care shall be provided to the following:

(1) Recipients of transitional child care as provided under section 5104.34 of the Revised Code;

(2) Participants in the Ohio works first program established under Chapter 5107. of the Revised Code;

(3) Individuals who would be participating in the Ohio works first program if not for a sanction under section 5107.16 of the Revised Code and who continue to participate in a work activity, developmental activity, or alternative work activity pursuant to an assignment under section 5107.42 of the Revised Code;

(4) A family receiving publicly funded child care on October 1, 1997, until the family's income reaches one hundred fifty per cent of the federal poverty line;

(5) Subject to available funds, other individuals determined eligible in accordance with rules adopted under section 5104.38 of the Revised Code.

The department shall apply to the United States department of health and human services for authority to operate a coordinated program for publicly funded child care, if the director of job and family services determines that the application is necessary. For purposes of this section, the department of job and family services may enter into agreements with other state agencies that are involved in regulation or funding of child care. The department shall consider the special

needs of migrant workers when it administers and coordinates 59303
publicly funded child care and shall develop appropriate 59304
procedures for accommodating the needs of migrant workers for 59305
publicly funded child care. 59306

(B) The department of job and family services shall 59307
distribute state and federal funds for publicly funded child 59308
care, including appropriations of state funds for publicly 59309
funded child care and appropriations of federal funds available 59310
under the child care block grant act, Title IV-A, and Title XX. 59311
The department may use any state funds appropriated for publicly 59312
funded child care as the state share required to match any 59313
federal funds appropriated for publicly funded child care. 59314

(C) In the use of federal funds available under the child 59315
care block grant act, all of the following apply: 59316

(1) The department may use the federal funds to hire staff 59317
to prepare any rules required under this chapter and to 59318
administer and coordinate federal and state funding for publicly 59319
funded child care. 59320

(2) Not more than five per cent of the aggregate amount of 59321
the federal funds received for a fiscal year may be expended for 59322
administrative costs. 59323

(3) The department shall allocate and use at least four 59324
per cent of the federal funds for the following: 59325

(a) Activities designed to provide comprehensive consumer 59326
education to parents and the public; 59327

(b) Activities that increase parental choice; 59328

(c) Activities, including child care resource and referral 59329
services, designed to improve the quality, and increase the 59330

supply, of child care; 59331

(d) Establishing the step up to quality program pursuant 59332
to section 5104.29 of the Revised Code. 59333

(4) The department shall ensure that the federal funds 59334
will be used only to supplement, and will not be used to 59335
supplant, federal, state, and local funds available on the 59336
effective date of the child care block grant act for publicly 59337
funded child care and related programs. If authorized by rules 59338
adopted by the department pursuant to section 5104.42 of the 59339
Revised Code, county departments of job and family services may 59340
purchase child care from funds obtained through any other means. 59341

(D) The department shall encourage the development of 59342
suitable child care throughout the state, especially in areas 59343
with high concentrations of recipients of public assistance and 59344
families with low incomes. The department shall encourage the 59345
development of suitable child care designed to accommodate the 59346
special needs of migrant workers. On request, the department, 59347
through its employees or contracts with state or community child 59348
care resource and referral service organizations, shall provide 59349
consultation to groups and individuals interested in developing 59350
child care. The department of job and family services may enter 59351
into interagency agreements with the department of education and 59352
workforce, the chancellor of higher education, the department of 59353
development, and other state agencies and entities whenever the 59354
cooperative efforts of the other state agencies and entities are 59355
necessary for the department of job and family services to 59356
fulfill its duties and responsibilities under this chapter. 59357

The department shall develop and maintain a registry of 59358
persons providing child care. The director shall adopt rules in 59359
accordance with Chapter 119. of the Revised Code establishing 59360

procedures and requirements for the registry's administration. 59361

(E) (1) The director shall adopt rules in accordance with 59362
Chapter 119. of the Revised Code establishing both of the 59363
following: 59364

(a) Reimbursement ceilings for providers of publicly 59365
funded child care not later than the first day of July in each 59366
odd-numbered year; 59367

(b) A procedure for reimbursing and paying providers of 59368
publicly funded child care. 59369

(2) In establishing reimbursement ceilings under division 59370
(E) (1) (a) of this section, the director shall do all of the 59371
following: 59372

(a) Use the information obtained in accordance with 45 59373
C.F.R. 98.45; 59374

(b) Establish an enhanced reimbursement ceiling for 59375
providers who provide child care for caretaker parents who work 59376
nontraditional hours; 59377

(c) With regard to the step up to quality program 59378
established pursuant to section 5104.29 of the Revised Code, do 59379
both of the following: 59380

(i) Establish enhanced reimbursement ceilings for child 59381
day-care providers that participate in the program and maintain 59382
quality ratings; 59383

(ii) Weigh any reduction in reimbursement ceilings more 59384
heavily against providers that do not participate in the program 59385
or do not maintain quality ratings. 59386

(3) In establishing reimbursement ceilings under division 59387

(E) (1) (a) of this section, the director may establish different reimbursement ceilings based on any of the following:	59388 59389
(a) Geographic location of the provider;	59390
(b) Type of care provided;	59391
(c) Age of the child served;	59392
(d) Special needs of the child served;	59393
(e) Whether the expanded hours of service are provided;	59394
(f) Whether weekend service is provided;	59395
(g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;	59396 59397
(h) Any other factors the director considers appropriate.	59398
Sec. 5107.281. A participant of Ohio works first who is enrolled in a school district in a county that is participating in the learnfare program and is not younger than age six but not older than age nineteen shall participate in the learnfare program unless one of the following is the case:	59399 59400 59401 59402 59403
(A) The participant is not yet eligible for enrollment in first grade;	59404 59405
(B) The participant is subject to the LEAP program;	59406
(C) The participant has received one of the following:	59407
(1) A high school diploma;	59408
(2) A certificate stating that the participant has achieved the equivalent of a high school education as measured by scores obtained on a high school equivalency test approved by the department of education <u>and workforce</u> pursuant to division (B) of section 3301.80 of the Revised Code.	59409 59410 59411 59412 59413

(D) The participant has been excused from school 59414
attendance pursuant to section 3321.04 or 3321.042 of the 59415
Revised Code; 59416

(E) If child care services for a member of the 59417
participant's household are necessary for the participant to 59418
attend school, child care licensed or certified under Chapter 59419
5104. of the Revised Code or under sections 3301.52 to 3301.59 59420
of the Revised Code and transportation to and from the child 59421
care are not available; 59422

(F) The participant has been adjudicated a delinquent or 59423
unruly child pursuant to section 2151.28 of the Revised Code. 59424

Sec. 5107.287. The county department of job and family 59425
services shall establish policies defining "good cause for being 59426
absent from school" and specifying what constitutes a day of 59427
attendance for purposes of the learnfare program's school 59428
attendance requirement. 59429

Not later than the fifteenth day of each month of a school 59430
year or another time agreed to by the county department of job 59431
and family services and ~~state board~~ department of education and 59432
workforce but not later than the thirtieth day of each month, 59433
each attendance officer or assistant appointed under section 59434
3321.14 or 3321.15 of the Revised Code who oversees the 59435
attendance of students enrolled in the school districts of a 59436
county that is participating in the learnfare program shall 59437
report to the county department of job and family services the 59438
previous month's school attendance record of each participating 59439
student. The report shall specify which if any of the 59440
participating student's absences are excused because the absence 59441
meets the definition of "good cause for being absent from 59442
school." No absence for which there is good cause shall be 59443

considered in determining whether a participating student has 59444
complied with the learnfare program's school attendance 59445
requirement. 59446

Sec. 5107.40. As used in sections 5107.40 to 5107.69 of 59447
the Revised Code: 59448

(A) "Alternative work activity" means an activity designed 59449
to promote self sufficiency and personal responsibility 59450
established by a county department of job and family services 59451
under section 5107.64 of the Revised Code. 59452

(B) "Developmental activity" means an activity designed to 59453
promote self sufficiency and personal responsibility established 59454
by a county department of job and family services under section 59455
5107.62 of the Revised Code. 59456

(C) "Certificate of high school equivalence" means a 59457
certificate attesting to achievement of the equivalent of a high 59458
school education as measured by scores obtained on a high school 59459
equivalency test approved by the department of education and 59460
workforce pursuant to division (B) of section 3301.80 of the 59461
Revised Code. "Certificate of high school equivalence" includes 59462
a certificate of high school equivalence issued prior to January 59463
1, 1994, attesting to the achievement of the equivalent of a 59464
high school education as measured by scores obtained on tests of 59465
general educational development. 59466

(D) "Work activity" means the following: 59467

(1) Unsubsidized employment activities established under 59468
section 5107.60 of the Revised Code; 59469

(2) The subsidized employment program established under 59470
section 5107.52 of the Revised Code; 59471

- (3) The work experience program established under section 5107.54 of the Revised Code; 59472
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- (4) On-the-job training activities established under section 5107.60 of the Revised Code; 59474
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- (5) The job search and readiness program established under section 5107.50 of the Revised Code; 59476
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- (6) Community service activities established under section 5107.60 of the Revised Code; 59478
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- (7) Vocational educational training activities established under section 5107.60 of the Revised Code; 59480
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- (8) Jobs skills training activities established under section 5107.60 of the Revised Code that are directly related to employment; 59482
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- (9) Education activities established under section 5107.60 of the Revised Code that are directly related to employment for participants of Ohio works first who have not earned a high school diploma or certificate of high school equivalence; 59485
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- (10) Education activities established under section 5107.60 of the Revised Code for participants of Ohio works first who have not completed secondary school or received a certificate of high school equivalence under which the participants attend a secondary school or a course of study leading to a certificate of high school equivalence; 59489
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- (11) Child-care service activities, including training, established under section 5107.60 of the Revised Code to aid another participant of Ohio works first assigned to a community service activity or other work activity; 59495
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- (12) The education program established under section 59499

5107.58 of the Revised Code that are operated pursuant to a 59500
federal waiver granted by the United States secretary of health 59501
and human services pursuant to a request made under former 59502
section 5101.09 of the Revised Code; 59503

(13) To the extent provided by division (C) of section 59504
5107.30 of the Revised Code, the LEAP program established under 59505
that section. 59506

Sec. 5107.62. County departments of job and family 59507
services shall establish and administer developmental activities 59508
for minor heads of households and adults participating in Ohio 59509
works first. In establishing developmental activities, county 59510
departments are not limited by the restrictions that Title IV-A 59511
imposes on work activities. Developmental activities may be 59512
identical or similar to, or different from, work activities and 59513
alternative work activities. 59514

In accordance with a federal waiver granted by the United 59515
States secretary of health and human services pursuant to a 59516
request made under former section 5101.09 of the Revised Code, a 59517
county department may establish and administer a developmental 59518
activity under which a minor head of household or adult attends 59519
a school, special education program, or adult high school 59520
continuation program that conforms to the minimum standards 59521
prescribed by the ~~state board~~ director of education and 59522
workforce or instructional courses designed to prepare the minor 59523
head of household or adult to earn a certificate of high school 59524
equivalence. Pursuant to the waiver, a minor head of household 59525
or adult assigned to this developmental activity is required to 59526
earn a high school diploma, adult education diploma, or 59527
certificate of high school equivalence not later than two years 59528
after the date the minor head of household or adult is placed in 59529

the activity. 59530

Sec. 5120.031. (A) As used in this section: 59531

(1) "Certificate of high school equivalence" means either: 59532

(a) A statement that is issued by the department of 59533
education and workforce that indicates that its holder has 59534
achieved the equivalent of a high school education as measured 59535
by scores obtained on a high school equivalency test approved by 59536
the department of education and workforce pursuant to division 59537
(B) of section 3301.80 of the Revised Code; 59538

(b) A statement that is issued by a primary-secondary 59539
education or higher education agency of another state that 59540
indicates that its holder has achieved the equivalent of a high 59541
school education as measured by scores obtained on a similar 59542
nationally recognized high school equivalency test. 59543

(2) "Certificate of adult basic education" means a 59544
statement that is issued by the department of rehabilitation and 59545
correction through the Ohio central school system approved by 59546
the ~~state board~~ department of education and workforce and that 59547
indicates that its holder has achieved a 6.0 grade level, or 59548
higher, as measured by scores of nationally standardized or 59549
recognized tests. 59550

(3) "Deadly weapon" and "firearm" have the same meanings 59551
as in section 2923.11 of the Revised Code. 59552

(4) "Eligible offender" means a person, other than one who 59553
is ineligible to participate in an intensive program prison 59554
under the criteria specified in section 5120.032 of the Revised 59555
Code, who has been convicted of or pleaded guilty to, and has 59556
been sentenced for, a felony. 59557

(5) "Shock incarceration" means the program of 59558
incarceration that is established pursuant to the rules of the 59559
department of rehabilitation and correction adopted under this 59560
section. 59561

(B) (1) The director of rehabilitation and correction, by 59562
rules adopted under Chapter 119. of the Revised Code, shall 59563
establish a pilot program of shock incarceration that may be 59564
used for offenders who are sentenced to serve a term of 59565
imprisonment under the custody of the department of 59566
rehabilitation and correction, whom the department determines to 59567
be eligible offenders, and whom the department, subject to the 59568
approval of the sentencing judge, may permit to serve their 59569
sentence as a sentence of shock incarceration in accordance with 59570
this section. 59571

(2) The rules for the pilot program shall require that the 59572
program be established at an appropriate state correctional 59573
institution designated by the director and that the program 59574
consist of both of the following for each eligible offender whom 59575
the department, with the approval of the sentencing judge, 59576
permits to serve the eligible offender's sentence as a sentence 59577
of shock incarceration: 59578

(a) A period of imprisonment at that institution of ninety 59579
days that shall consist of a military style combination of 59580
discipline, physical training, and hard labor and substance 59581
abuse education, employment skills training, social skills 59582
training, and psychological treatment. During the ninety-day 59583
period, the department may permit an eligible offender to 59584
participate in a self-help program. Additionally, during the 59585
ninety-day period, an eligible offender who holds a high school 59586
diploma or a certificate of high school equivalence may be 59587

permitted to tutor other eligible offenders in the shock 59588
incarceration program. If an eligible offender does not hold a 59589
high school diploma or certificate of high school equivalence, 59590
the eligible offender may elect to participate in an education 59591
program that is designed to award a certificate of adult basic 59592
education or an education program that is designed to award a 59593
certificate of high school equivalence to those eligible 59594
offenders who successfully complete the education program, 59595
whether the completion occurs during or subsequent to the 59596
ninety-day period. To the extent possible, the department shall 59597
use as teachers in the education program persons who have been 59598
issued a license pursuant to sections 3319.22 to 3319.31 of the 59599
Revised Code, who have volunteered their services to the 59600
education program, and who satisfy any other criteria specified 59601
in the rules for the pilot project. 59602

(b) Immediately following the ninety-day period of 59603
imprisonment, and notwithstanding any other provision governing 59604
the early release of a prisoner from imprisonment or the 59605
transfer of a prisoner to transitional control, one of the 59606
following, as determined by the director: 59607

(i) An intermediate, transitional type of detention for 59608
the period of time determined by the director and, immediately 59609
following the intermediate, transitional type of detention, a 59610
release under a post-release control sanction imposed in 59611
accordance with section 2967.28 of the Revised Code. The period 59612
of intermediate, transitional type of detention imposed by the 59613
director under this division may be in a halfway house, in a 59614
community-based correctional facility and program or district 59615
community-based correctional facility and program established 59616
under sections 2301.51 to 2301.58 of the Revised Code, or in any 59617
other facility approved by the director that provides for 59618

detention to serve as a transition between imprisonment in a 59619
state correctional institution and release from imprisonment. 59620

(ii) A release under a post-release control sanction 59621
imposed in accordance with section 2967.28 of the Revised Code. 59622

(3) The rules for the pilot program also shall include, 59623
but are not limited to, all of the following: 59624

(a) Rules identifying the locations within the state 59625
correctional institution designated by the director that will be 59626
used for eligible offenders serving a sentence of shock 59627
incarceration; 59628

(b) Rules establishing specific schedules of discipline, 59629
physical training, and hard labor for eligible offenders serving 59630
a sentence of shock incarceration, based upon the offender's 59631
physical condition and needs; 59632

(c) Rules establishing standards and criteria for the 59633
department to use in determining which eligible offenders the 59634
department will permit to serve their sentence of imprisonment 59635
as a sentence of shock incarceration; 59636

(d) Rules establishing guidelines for the selection of 59637
post-release control sanctions for eligible offenders; 59638

(e) Rules establishing procedures for notifying sentencing 59639
courts of the performance of eligible offenders serving their 59640
sentences of imprisonment as a sentence of shock incarceration; 59641

(f) Any other rules that are necessary for the proper 59642
conduct of the pilot program. 59643

(C) (1) If an offender is sentenced to a term of 59644
imprisonment under the custody of the department, if the 59645
sentencing court either recommends the offender for placement in 59646

a program of shock incarceration under this section or makes no 59647
recommendation on placement of the offender, and if the 59648
department determines that the offender is an eligible offender 59649
for placement in a program of shock incarceration under this 59650
section, the department may permit the eligible offender to 59651
serve the sentence in a program of shock incarceration, in 59652
accordance with division (I) of section 2929.14 of the Revised 59653
Code, with this section, and with the rules adopted under this 59654
section. If the sentencing court disapproves placement of the 59655
offender in a program of shock incarceration, the department 59656
shall not place the offender in any program of shock 59657
incarceration. 59658

If the sentencing court recommends the offender for 59659
placement in a program of shock incarceration and if the 59660
department subsequently places the offender in the recommended 59661
program, the department shall notify the court of the offender's 59662
placement in the recommended program and shall include with the 59663
notice a brief description of the placement. 59664

If the sentencing court recommends placement of the 59665
offender in a program of shock incarceration and the department 59666
for any reason does not subsequently place the offender in the 59667
recommended program, the department shall send a notice to the 59668
court indicating why the offender was not placed in the 59669
recommended program. 59670

If the sentencing court does not make a recommendation on 59671
the placement of an offender in a program of shock incarceration 59672
and if the department determines that the offender is an 59673
eligible offender for placement in a program of that nature, the 59674
department shall screen the offender and determine if the 59675
offender is suited for the program of shock incarceration. If 59676

the offender is suited for the program of shock incarceration, 59677
at least three weeks prior to permitting an eligible offender to 59678
serve the sentence in a program of shock incarceration, the 59679
department shall notify the sentencing court of the proposed 59680
placement of the offender in the program and shall include with 59681
the notice a brief description of the placement. The court shall 59682
have ten days from receipt of the notice to disapprove the 59683
placement. If the sentencing court disapproves of the placement, 59684
the department shall not permit the eligible offender to serve 59685
the sentence in a program of shock incarceration. If the judge 59686
does not timely disapprove of placement of the offender in the 59687
program of shock incarceration, the department may proceed with 59688
plans for placement of the offender. 59689

If the department determines that the offender is not 59690
eligible for placement in a program of shock incarceration, the 59691
department shall not place the offender in any program of shock 59692
incarceration. 59693

(2) If the department permits an eligible offender to 59694
serve the eligible offender's sentence of imprisonment as a 59695
sentence of shock incarceration and the eligible offender does 59696
not satisfactorily complete the entire period of imprisonment 59697
described in division (B) (2) (a) of this section, the offender 59698
shall be removed from the pilot program for shock incarceration 59699
and shall be required to serve the remainder of the offender's 59700
sentence of imprisonment imposed by the sentencing court as a 59701
regular term of imprisonment. If the eligible offender commences 59702
a period of post-release control described in division (B) (2) (b) 59703
of this section and violates the conditions of that post-release 59704
control, the eligible offender shall be subject to the 59705
provisions of sections 2929.141, 2967.15, and 2967.28 of the 59706
Revised Code regarding violation of post-release control 59707

sanctions. 59708

(3) If an eligible offender's stated prison term expires 59709
at any time during the eligible offender's participation in the 59710
shock incarceration program, the adult parole authority shall 59711
terminate the eligible offender's participation in the program 59712
and shall issue to the eligible offender a certificate of 59713
expiration of the stated prison term. 59714

(D) The director shall keep sentencing courts informed of 59715
the performance of eligible offenders serving their sentences of 59716
imprisonment as a sentence of shock incarceration, including, 59717
but not limited to, notice of eligible offenders who fail to 59718
satisfactorily complete their entire sentence of shock 59719
incarceration or who satisfactorily complete their entire 59720
sentence of shock incarceration. 59721

(E) Within a reasonable period of time after November 20, 59722
1990, the director shall appoint a committee to search for one 59723
or more suitable sites at which one or more programs of shock 59724
incarceration, in addition to the pilot program required by 59725
division (B)(1) of this section, may be established. The search 59726
committee shall consist of the director or the director's 59727
designee, as chairperson; employees of the department of 59728
rehabilitation and correction appointed by the director; and any 59729
other persons that the director, in the director's discretion, 59730
appoints. In searching for such sites, the search committee 59731
shall give preference to any site owned by the state or any 59732
other governmental entity and to any existing structure that 59733
reasonably could be renovated, enlarged, converted, or remodeled 59734
for purposes of establishing such a program. The search 59735
committee shall prepare a report concerning its activities and, 59736
on the earlier of the day that is twelve months after the first 59737

day on which an eligible offender began serving a sentence of shock incarceration under the pilot program or January 1, 1992, shall file the report with the president and the minority leader of the senate, the speaker and the minority leader of the house of representatives, the members of the senate who were members of the senate judiciary committee in the 118th general assembly or their successors, and the members of the house of representatives who were members of the select committee to hear drug legislation that was established in the 118th general assembly or their successors. Upon the filing of the report, the search committee shall terminate. The report required by this division shall contain all of the following:

(1) A summary of the process used by the search committee in performing its duties under this division;

(2) A summary of all of the sites reviewed by the search committee in performing its duties under this division, and the benefits and disadvantages it found relative to the establishment of a program of shock incarceration at each such site;

(3) The findings and recommendations of the search committee as to the suitable site or sites, if any, at which a program of shock incarceration, in addition to the pilot program required by division (B)(1) of this section, may be established.

(F) The director periodically shall review the pilot program for shock incarceration required to be established by division (B)(1) of this section. The director shall prepare a report relative to the pilot program and, on the earlier of the day that is twelve months after the first day on which an eligible offender began serving a sentence of shock incarceration under the pilot program or January 1, 1992, shall

file the report with the president and the minority leader of 59768
the senate, the speaker and the minority leader of the house of 59769
representatives, the members of the senate who were members of 59770
the senate judiciary committee in the 118th general assembly or 59771
their successors, and the members of the house of 59772
representatives who were members of the select committee to hear 59773
drug legislation that was established in the 118th general 59774
assembly or their successors. The pilot program shall not 59775
terminate at the time of the filing of the report, but shall 59776
continue in operation in accordance with this section. The 59777
report required by this division shall include all of the 59778
following: 59779

(1) A summary of the pilot program as initially 59780
established, a summary of all changes in the pilot program made 59781
during the period covered by the report and the reasons for the 59782
changes, and a summary of the pilot program as it exists on the 59783
date of preparation of the report; 59784

(2) A summary of the effectiveness of the pilot program, 59785
in the opinion of the director and employees of the department 59786
involved in its operation; 59787

(3) An analysis of the total cost of the pilot program, of 59788
its cost per inmate who was permitted to serve a sentence of 59789
shock incarceration and who served the entire sentence of shock 59790
incarceration, and of its cost per inmate who was permitted to 59791
serve a sentence of shock incarceration; 59792

(4) A summary of the standards and criteria used by the 59793
department in determining which eligible offenders were 59794
permitted to serve their sentence of imprisonment as a sentence 59795
of shock incarceration; 59796

(5) A summary of the characteristics of the eligible offenders who were permitted to serve their sentence of imprisonment as a sentence of shock incarceration, which summary shall include, but not be limited to, a listing of every offense of which any such eligible offender was convicted or to which any such eligible offender pleaded guilty and in relation to which the eligible offender served a sentence of shock incarceration, and the total number of such eligible offenders who were convicted of or pleaded guilty to each such offense;

(6) A listing of the number of eligible offenders who were permitted to serve a sentence of shock incarceration and who did not serve the entire sentence of shock incarceration, and, to the extent possible, a summary of the length of the terms of imprisonment served by such eligible offenders after they were removed from the pilot program;

(7) A summary of the effect of the pilot program on overcrowding at state correctional institutions;

(8) To the extent possible, an analysis of the rate of recidivism of eligible offenders who were permitted to serve a sentence of shock incarceration and who served the entire sentence of shock incarceration;

(9) Recommendations as to legislative changes to the pilot program that would assist in its operation or that could further alleviate overcrowding at state correctional institutions, and recommendations as to whether the pilot program should be expanded.

Sec. 5120.07. (A) There is hereby created the ex-offender reentry coalition consisting of the following twenty-one members or their designees:

- (1) The director of rehabilitation and correction; 59826
- (2) The director of aging; 59827
- (3) The director of mental health and addiction services; 59828
- (4) The director of development services; 59829
- (5) The ~~superintendent of public instruction~~director of
education and workforce; 59830
59831
- (6) The director of health; 59832
- (7) The director of job and family services; 59833
- (8) The director of developmental disabilities; 59834
- (9) The director of public safety; 59835
- (10) The director of youth services; 59836
- (11) The chancellor of higher education~~the Ohio board of~~
~~regents~~; 59837
59838
- (12) A representative or member of the governor's staff; 59839
- (13) The executive director of the opportunities for 59840
Ohioans with disabilities agency; 59841
- (14) The director of the department of commerce; 59842
- (15) The executive director of a health care licensing 59843
board created under Title XLVII of the Revised Code, as 59844
appointed by the chairperson of the coalition; 59845
- (16) The director of veterans services; 59846
- (17) An ex-offender appointed by the director of 59847
rehabilitation and correction; 59848
- (18) Two members of the house of representatives appointed 59849

by the speaker of the house of representatives, one of whom 59850
shall be the chairperson of the standing committee in the house 59851
of representatives that primarily addresses criminal justice 59852
matters and the other of whom shall be a member of the minority 59853
party in the house of representatives; 59854

(19) Two members of the senate appointed by the president 59855
of the senate, one of whom shall be the chairperson of the 59856
standing committee in the senate that primarily addresses 59857
criminal justice matters and the other of whom shall be a member 59858
of the minority party in the senate. 59859

(B) The members of the coalition shall serve without 59860
compensation. The director of rehabilitation and correction or 59861
the director's designee shall be the chairperson of the 59862
coalition. 59863

(C) In consultation with persons interested and involved 59864
in the reentry of ex-offenders into the community, the members 59865
of the coalition shall meet periodically for the purpose of 59866
formulating, discussing, and developing policies and practices 59867
that facilitate the expansion and improvement of reentry 59868
services provided by state and local agencies in the 59869
collaborative efforts of those agencies to reintegrate offenders 59870
into society while simultaneously maintaining public safety and 59871
reducing recidivism in this state. Not later than one year after 59872
April 7, 2009, and on or before the same date of each year 59873
thereafter, the coalition shall submit to the speaker of the 59874
house of representatives and the president of the senate a 59875
report, including recommendations for legislative action, the 59876
activities of the coalition, and the barriers affecting the 59877
successful reentry of ex-offenders into the community. The 59878
report shall analyze the effects of those barriers on ex- 59879

offenders and on their children and other family members in	59880
various areas, including but not limited to, the following:	59881
(1) Admission to public and other housing;	59882
(2) Child support obligations and procedures;	59883
(3) Parental incarceration and family reunification;	59884
(4) Social security benefits, veterans' benefits, food	59885
stamps, and other forms of public assistance;	59886
(5) Employment;	59887
(6) Education programs and financial assistance;	59888
(7) Substance abuse and sex offender treatment programs	59889
and financial assistance and mental health services and	59890
financial assistance;	59891
(8) Civic and political participation;	59892
(9) Other collateral consequences under the Revised Code	59893
or the Ohio administrative code law that may result from a	59894
criminal conviction.	59895
(D) (1) The report shall also include the following	59896
information:	59897
(a) Identification of state appropriations for reentry	59898
programs;	59899
(b) Identification of other funding sources for reentry	59900
programs that are not funded by the state.	59901
(2) The coalition shall gather information about reentry	59902
programs in a repository maintained and made available by the	59903
coalition. Where available, the information shall include the	59904
following:	59905

- (a) The amount of funding received; 59906
- (b) The number of program participants; 59907
- (c) The composition of the program, including program goals, methods for measuring success, and program success rate; 59908
59909
- (d) The type of post-program tracking that is utilized; 59910
- (e) Information about employment rates and recidivism rates of ex-offenders. 59911
59912

Sec. 5120.091. There is hereby created in the state treasury the education services fund. The department of rehabilitation and correction shall deposit into the fund all state revenues it receives from the Ohio department of education and workforce. Any money in the fund shall solely be used to pay educational expenses incurred by the department. 59913
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Sec. 5123.022. (A) As used in this section: 59919

(1) "Community employment" means competitive employment that takes place in an integrated setting. 59920
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(2) "Competitive employment" means full-time or part-time work in the competitive labor market in which payment is at or above the minimum wage but not less than the customary wage and level of benefits paid by the employer for the same or similar work performed by persons who are not disabled. 59922
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(3) "Integrated setting" means a setting typically found in the community where individuals with developmental disabilities interact with individuals who do not have disabilities to the same extent that individuals in comparable positions who are not disabled interact with other individuals, including in employment settings in which employees interact with the community through technology. 59927
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(B) It is hereby declared to be the policy of this state 59934
that employment services for individuals with developmental 59935
disabilities be directed at community employment. Every 59936
individual with a developmental disability is presumed capable 59937
of community employment. 59938

The departments of developmental disabilities, education_ 59939
and workforce, medicaid, job and family services, and mental 59940
health and addiction services; the opportunities for Ohioans 59941
with disabilities agency; and each other state agency that 59942
provides employment services to individuals with developmental 59943
disabilities shall implement the policy of this state and ensure 59944
that it is followed whenever employment services are provided to 59945
individuals with developmental disabilities. 59946

The department of developmental disabilities shall 59947
coordinate the actions taken by state agencies to comply with 59948
the state's policy. Agencies shall collaborate within their 59949
divisions and with each other to ensure that state programs, 59950
policies, procedures, and funding support competitive and 59951
integrated employment of individuals with developmental 59952
disabilities. State agencies shall share information with the 59953
department, and the department shall track progress toward full 59954
implementation of the policy. The department, in coordination 59955
with any task force established by the governor, shall compile 59956
data and annually submit to the governor a report on 59957
implementation of the policy. 59958

The department and state agencies may adopt rules to 59959
implement the state's policy. 59960

(C) The state's policy articulated in this section is 59961
intended to promote the right of each individual with a 59962
developmental disability to informed choice; however, nothing in 59963

this section requires any employer to give preference in hiring 59964
to an individual because the individual has a disability. 59965

Sec. 5123.023. (A) The director of developmental 59966
disabilities shall establish an employment first task force 59967
consisting of the departments of developmental disabilities, 59968
education and workforce, medicaid, job and family services, and 59969
mental health and addiction services; and the opportunities for 59970
Ohioans with disabilities agency. The purpose of the task force 59971
shall be to improve the coordination of the state's efforts to 59972
address the needs of individuals with developmental disabilities 59973
who seek community employment as defined in section 5123.022 of 59974
the Revised Code. 59975

(B) The department of developmental disabilities may enter 59976
into interagency agreements with any of the government entities 59977
on the task force. The interagency agreements may specify either 59978
or both of the following: 59979

(1) The roles and responsibilities of the government 59980
entities that are members of the task force, including any money 59981
to be contributed by those entities; 59982

(2) The projects and activities of the task force. 59983

(C) There is hereby created in the state treasury the 59984
employment first taskforce fund. Any money received by the task 59985
force from its members shall be credited to the fund. The 59986
department of developmental disabilities shall use the fund to 59987
support the work of the task force. 59988

Sec. 5123.025. It is hereby declared to be the policy of 59989
this state that individuals with developmental disabilities 59990
shall have access to innovative technology solutions. Technology 59991
can ensure that people with developmental disabilities have 59992

increased opportunities to live, work, and thrive in their 59993
homes, communities, and places of employment through state of 59994
the art planning, innovative technology, and supports that focus 59995
on their talents, interests, and skills. 59996

The departments of developmental disabilities, education_ 59997
and workforce, medicaid, aging, job and family services, mental 59998
health and addiction services, and transportation; the 59999
opportunities for Ohioans with disabilities agency; and each 60000
other state agency that provides technology services to 60001
individuals with developmental disabilities shall implement the 60002
policy of this state and ensure that it is followed whenever 60003
technology services are provided to individuals with 60004
developmental disabilities. 60005

The department of developmental disabilities, in 60006
partnership with the office of innovateohio, shall coordinate 60007
the actions taken by state agencies to comply with the state's 60008
policy. Agencies shall collaborate within their divisions and 60009
with each other to ensure that state programs, policies, 60010
procedures, and funding support the development of access to 60011
technology for individuals with developmental disabilities. 60012
State agencies shall share information with the department, and 60013
the department shall track progress toward full implementation 60014
of the policy. The department, in coordination with the 60015
technology first task force established under section 5123.026 60016
of Revised Code, shall compile data and annually submit to the 60017
governor and lieutenant governor a report on implementation of 60018
the policy. 60019

The department and state agencies may adopt rules to 60020
implement the state's policy. 60021

Sec. 5123.026. (A) The director of developmental 60022

disabilities shall establish a technology first task force 60023
consisting of representatives from the office of innovateohio; 60024
the departments of developmental disabilities, education and 60025
workforce, medicaid, aging, job and family services, mental 60026
health and addiction services, and transportation; and the 60027
opportunities for Ohioans with disabilities agency. 60028

(B) The task force shall do all of the following: 60029

(1) Expand innovative technology solutions within the 60030
operation and delivery of services to individuals with 60031
developmental disabilities; 60032

(2) Use technology to reduce the barriers individuals with 60033
developmental disabilities experience; 60034

(3) Align policies for all state agencies on the task 60035
force. 60036

(C) The department of developmental disabilities may enter 60037
into interagency agreements with any of the government entities 60038
on the task force. The interagency agreements may specify either 60039
or both of the following: 60040

(1) The roles and responsibilities of the government 60041
entities that are members of the task force, including any money 60042
to be contributed by those entities; 60043

(2) The projects and activities of the task force. 60044

(D) The department and state agencies may adopt rules to 60045
implement the task force. 60046

Sec. 5123.0423. As used in this section, "school district 60047
of residence" has the same meaning as in section 3323.01 of the 60048
Revised Code. 60049

The director of developmental disabilities shall request a student data verification code from the independent contractor engaged by the department of education and workforce to create and maintain such codes for school districts and community schools under division (D)(2) of section 3301.0714 of the Revised Code for each child who is receiving services from the state's part C early intervention services program. The director shall request from the parent, guardian, or custodian of the child, or from any other person who is authorized by law to make decisions regarding the child's education, the name and address of the child's school district of residence. The director shall submit the data verification code for that child to the child's school district of residence at the time the child ceases to receive services from the part C early intervention services program.

The director and each school district that receives a data verification code under this section shall not release that code to any person except as provided by law. Any document that the director holds in the director's files that contains both a child's name or other personally identifiable information and the child's data verification code is not a public record under section 149.43 of the Revised Code.

Sec. 5126.04. (A) Each county board of developmental disabilities shall plan and set priorities based on available resources for the provision of facilities, programs, and other services to meet the needs of county residents who are individuals with developmental disabilities, former residents of the county residing in state institutions or, before September 29, 2011, placed under purchase of service agreements under section 5123.18 of the Revised Code, and children subject to a determination made pursuant to section 121.38 of the Revised

Code. 60081

Each county board shall assess the facility and service 60082
needs of the individuals with developmental disabilities who are 60083
residents of the county or former residents of the county 60084
residing in state institutions or, before September 29, 2011, 60085
placed under purchase of service agreements under section 60086
5123.18 of the Revised Code. 60087

Each county board shall require individual habilitation or 60088
service plans for individuals with developmental disabilities 60089
who are being served or who have been determined eligible for 60090
services and are awaiting the provision of services. Each board 60091
shall ensure that methods of having their service needs 60092
evaluated are available. 60093

(B) (1) If a foster child is in need of assessment for 60094
eligible services or is receiving services from a county board 60095
of developmental disabilities and that child is placed in a 60096
different county, the agency that placed the child, immediately 60097
upon placement, shall inform the county board in the new county 60098
all of the following: 60099

(a) That a foster child has been placed in that county; 60100

(b) The name and other identifying information of the 60101
foster child; 60102

(c) The name of the foster child's previous county of 60103
residence; 60104

(d) That the foster child was in need of assessment for 60105
eligible services or was receiving services from the county 60106
board of developmental disabilities in the previous county. 60107

(2) Upon receiving the notice described in division (B) (1) 60108

of this section or otherwise learning that the child was in need 60109
of assessment for eligible services or was receiving services 60110
from a county board of developmental disabilities in the 60111
previous county, the county board in the new county shall 60112
communicate with the county board of the previous county to 60113
determine how services for the foster child shall be provided in 60114
accordance with each board's plan and priorities as described in 60115
division (A) of this section. 60116

If the two county boards are unable to reach an agreement 60117
within ten days of the child's placement, the county board in 60118
the new county shall send notice to the Ohio department of 60119
developmental disabilities of the failure to agree. The 60120
department shall decide how services shall be provided for the 60121
foster child within ten days of receiving notice that the county 60122
boards could not reach an agreement. The department may decide 60123
that one, or both, of the county boards shall provide services. 60124
The services shall be provided in accordance with the board's 60125
plan and priorities as described in division (A) of this 60126
section. 60127

(C) The department of developmental disabilities may adopt 60128
rules in accordance with Chapter 119. of the Revised Code as 60129
necessary to implement this section. To the extent that rules 60130
adopted under this section apply to the identification and 60131
placement of children with disabilities under Chapter 3323. of 60132
the Revised Code, the rules shall be consistent with the 60133
standards and procedures established under sections 3323.03 to 60134
3323.05 of the Revised Code. 60135

(D) The responsibility or authority of a county board to 60136
provide services under this chapter does not affect the 60137
responsibility of any other entity of state or local government 60138

to provide services to individuals with developmental 60139
disabilities. 60140

(E) On or before the first day of February prior to a 60141
school year, a county board of developmental disabilities may 60142
elect not to participate during that school year in the 60143
provision of or contracting for educational services for 60144
children ages six through twenty-one years of age, provided that 60145
on or before that date the board gives notice of this election 60146
to the ~~superintendent of public instruction~~director of education 60147
and workforce, each school district in the county, and the 60148
educational service center serving the county. If a board makes 60149
this election, it shall not have any responsibility for or 60150
authority to provide educational services that school year for 60151
children ages six through twenty-one years of age. If a board 60152
does not make an election for a school year in accordance with 60153
this division, the board shall be deemed to have elected to 60154
participate during that school year in the provision of or 60155
contracting for educational services for children ages six 60156
through twenty-one years of age. 60157

(F) If a county board of developmental disabilities elects 60158
to provide educational services during a school year to 60159
individuals six through twenty-one years of age who have 60160
multiple disabilities, the board may provide these services to 60161
individuals who are appropriately identified and determined 60162
eligible pursuant to Chapter 3323. of the Revised Code, and in 60163
accordance with applicable rules of the ~~state board~~department 60164
of education and workforce. The county board may also provide 60165
related services to individuals six through twenty-one years of 60166
age who have one or more disabling conditions, in accordance 60167
with section 3317.20 and Chapter 3323. of the Revised Code and 60168
applicable rules of the ~~state board~~department of education and 60169

workforce. 60170

Sec. 5126.05. (A) Subject to the rules established by the 60171
director of developmental disabilities pursuant to Chapter 119. 60172
of the Revised Code for programs and services offered pursuant 60173
to this chapter, and subject to the rules established by the 60174
~~state board department~~ of education and workforce pursuant to 60175
Chapter 119. of the Revised Code for programs and services 60176
offered pursuant to Chapter 3323. of the Revised Code, the 60177
county board of developmental disabilities shall: 60178

(1) Administer and operate facilities, programs, and 60179
services as provided by this chapter and Chapter 3323. of the 60180
Revised Code and establish policies for their administration and 60181
operation; 60182

(2) Coordinate, monitor, and evaluate existing services 60183
and facilities available to individuals with developmental 60184
disabilities; 60185

(3) Provide early childhood services, supportive home 60186
services, and adult services, according to the plan and 60187
priorities developed under section 5126.04 of the Revised Code; 60188

(4) Provide or contract for special education services 60189
pursuant to Chapters 3317. and 3323. of the Revised Code and 60190
ensure that related services, as defined in section 3323.01 of 60191
the Revised Code, are available according to the plan and 60192
priorities developed under section 5126.04 of the Revised Code; 60193

(5) Adopt a budget, authorize expenditures for the 60194
purposes specified in this chapter and do so in accordance with 60195
section 319.16 of the Revised Code, approve attendance of board 60196
members and employees at professional meetings and approve 60197
expenditures for attendance, and exercise such powers and duties 60198

as are prescribed by the director of developmental disabilities; 60199

(6) Submit annual reports of its work and expenditures, 60200
pursuant to sections 3323.09 and 5126.131 of the Revised Code, 60201
to the director of developmental disabilities, the 60202
~~superintendent of public instruction~~ director of education and 60203
workforce, and the board of county commissioners at the close of 60204
the fiscal year and at such other times as may reasonably be 60205
requested; 60206

(7) Authorize all positions of employment, establish 60207
compensation, including but not limited to salary schedules and 60208
fringe benefits for all board employees, approve contracts of 60209
employment for management employees that are for a term of more 60210
than one year, employ legal counsel under section 309.10 of the 60211
Revised Code, and contract for employee benefits. A county board 60212
may provide benefits through an individual or joint self- 60213
insurance program as provided under section 9.833 of the Revised 60214
Code. 60215

(8) Provide service and support administration in 60216
accordance with section 5126.15 of the Revised Code; 60217

(9) Certify respite care homes pursuant to rules adopted 60218
under section 5123.171 of the Revised Code by the director of 60219
developmental disabilities; 60220

(10) Implement an employment first policy that clearly 60221
identifies community employment as the desired outcome for every 60222
individual of working age who receives services from the board; 60223

(11) Set benchmarks for improving community employment 60224
outcomes. 60225

(B) To the extent that rules adopted under this section 60226
apply to the identification and placement of children with 60227

disabilities under Chapter 3323. of the Revised Code, they shall 60228
be consistent with the standards and procedures established 60229
under sections 3323.03 to 3323.05 of the Revised Code. 60230

(C) Any county board may enter into contracts with other 60231
such boards and with public or private, nonprofit, or profit- 60232
making agencies or organizations of the same or another county, 60233
to provide the facilities, programs, and services authorized or 60234
required, upon such terms as may be agreeable, and in accordance 60235
with this chapter and Chapter 3323. of the Revised Code and 60236
rules adopted thereunder and in accordance with sections 307.86 60237
and 5126.071 of the Revised Code. 60238

(D) A county board may combine transportation for children 60239
and adults enrolled in programs and services offered under 60240
Chapter 5126. of the Revised Code with transportation for 60241
children enrolled in classes funded under sections 3317.0213 and 60242
3317.20 of the Revised Code. 60243

(E) A county board may purchase all necessary insurance 60244
policies, may purchase equipment and supplies through the 60245
department of administrative services or from other sources, and 60246
may enter into agreements with public agencies or nonprofit 60247
organizations for cooperative purchasing arrangements. 60248

(F) A county board may receive by gift, grant, devise, or 60249
bequest any moneys, lands, or property for the benefit of the 60250
purposes for which the board is established and hold, apply, and 60251
dispose of the moneys, lands, and property according to the 60252
terms of the gift, grant, devise, or bequest. All money received 60253
by gift, grant, bequest, or disposition of lands or property 60254
received by gift, grant, devise, or bequest shall be deposited 60255
in the county treasury to the credit of such board and shall be 60256
available for use by the board for purposes determined or stated 60257

by the donor or grantor, but may not be used for personal 60258
expenses of the board members. Any interest or earnings accruing 60259
from such gift, grant, devise, or bequest shall be treated in 60260
the same manner and subject to the same provisions as such gift, 60261
grant, devise, or bequest. 60262

(G) The board of county commissioners shall levy taxes and 60263
make appropriations sufficient to enable the county board of 60264
developmental disabilities to perform its functions and duties, 60265
and may utilize any available local, state, and federal funds 60266
for such purpose. 60267

Sec. 5126.23. (A) As used in this section, "employee" 60268
means a management employee or superintendent of a county board 60269
of -developmental disabilities. 60270

(B) An employee may be removed, suspended, or demoted in 60271
accordance with this section for violation of written rules set 60272
forth by the board or for incompetency, inefficiency, 60273
dishonesty, drunkenness, immoral conduct, insubordination, 60274
discourteous treatment of the public, neglect of duty, or other 60275
acts of misfeasance, malfeasance, or nonfeasance. 60276

(C) Prior to the removal, suspension, or demotion of an 60277
employee pursuant to this section, the employee shall be 60278
notified in writing of the charges against the employee. Except 60279
as otherwise provided in division (H) of this section, not later 60280
than thirty days after receiving such notification, a 60281
predisciplinary conference shall be held to provide the employee 60282
an opportunity to refute the charges against the employee. At 60283
least seventy-two hours prior to the conference, the employee 60284
shall be given a copy of the charges against the employee. 60285

If the removal, suspension, or demotion action is directed 60286

against a management employee, the conference shall be held by 60287
the superintendent or a person the superintendent designates, 60288
and the superintendent shall notify the management employee 60289
within fifteen days after the conference of the decision made 60290
with respect to the charges. If the removal, suspension, or 60291
demotion action is directed against a superintendent, the 60292
conference shall be held by the members of the board or their 60293
designees, and the board shall notify the superintendent within 60294
fifteen days after the conference of its decision with respect 60295
to the charges. 60296

(D) Within fifteen days after receiving notification of 60297
the results of the predisciplinary conference, an employee may 60298
file with the board a written demand for a hearing before the 60299
board or before a referee, and the board shall set a time for 60300
the hearing which shall be within thirty days from the date of 60301
receipt of the written demand, and the board shall give the 60302
employee at least twenty days notice in writing of the time and 60303
place of the hearing. 60304

(E) If a referee is demanded by an employee or a county 60305
board, the hearing shall be conducted by a referee selected in 60306
accordance with division (F) of this section; otherwise, it 60307
shall be conducted by a majority of the members of the board and 60308
shall be confined to the charges enumerated at the 60309
predisciplinary conference. 60310

(F) Referees for the hearings required by this section 60311
shall be selected from the list of names compiled by the 60312
~~superintendent of public instruction~~ director of education and 60313
workforce pursuant to section 3319.161 of the Revised Code. Upon 60314
receipt of notice that a referee has been demanded by an 60315
employee or a county board, the ~~superintendent of public~~ 60316

~~instruction director~~ shall immediately designate three persons 60317
from such list, from whom the referee for the hearing shall be 60318
chosen, and the ~~superintendent of public instruction director~~ 60319
shall immediately notify the designees, the county board, and 60320
the employee. If within five days of receipt of the notice, the 60321
county board and employee are unable to agree upon one of the 60322
designees to serve as referee, the ~~superintendent of public~~ 60323
~~instruction director~~ shall appoint one of the designees to serve 60324
as referee. The appointment of the referee shall be entered in 60325
the minutes of the county board. The referee appointed shall be 60326
paid the referee's usual and customary fee for attending the 60327
hearing which shall be paid from the general fund of the county 60328
board of developmental disabilities. 60329

(G) The board shall provide for a complete stenographic 60330
record of the proceedings, and a copy of the record shall be 60331
furnished to the employee. 60332

Both parties may be present at the hearing, be represented 60333
by counsel, require witnesses to be under oath, cross-examine 60334
witnesses, take a record of the proceedings, and require the 60335
presence of witnesses in their behalf upon subpoena to be issued 60336
by the county board. If any person fails to comply with a 60337
subpoena, a judge of the court of common pleas of the county in 60338
which the person resides, upon application of any interested 60339
party, shall compel attendance of the person by attachment 60340
proceedings as for contempt. Any member of the board or the 60341
referee may administer oaths to witnesses. After a hearing by a 60342
referee, the referee shall file a report within ten days after 60343
the termination of the hearing. After consideration of the 60344
referee's report, the board, by a majority vote, may accept or 60345
reject the referee's recommendation. After a hearing by the 60346
board, the board, by majority vote, may enter its determination 60347

upon its minutes. If the decision, after hearing, is in favor of 60348
the employee, the charges and the record of the hearing shall be 60349
physically expunged from the minutes and, if the employee has 60350
suffered any loss of salary by reason of being suspended, the 60351
employee shall be paid the employee's full salary for the period 60352
of such suspension. 60353

Any employee affected by a determination of the board 60354
under this division may appeal to the court of common pleas of 60355
the county in which the board is located within thirty days 60356
after receipt of notice of the entry of such determination. The 60357
appeal shall be an original action in the court and shall be 60358
commenced by the filing of a complaint against the board, in 60359
which complaint the facts shall be alleged upon which the 60360
employee relies for a reversal or modification of such 60361
determination. Upon service or waiver of summons in that appeal, 60362
the board immediately shall transmit to the clerk of the court 60363
for filing a transcript of the original papers filed with the 60364
board, a certified copy of the minutes of the board into which 60365
the determination was entered, and a certified transcript of all 60366
evidence adduced at the hearing or hearings before the board or 60367
a certified transcript of all evidence adduced at the hearing or 60368
hearings before the referee, whereupon the cause shall be at 60369
issue without further pleading and shall be advanced and heard 60370
without delay. The court shall examine the transcript and record 60371
of the hearing and shall hold such additional hearings as it 60372
considers advisable, at which it may consider other evidence in 60373
addition to the transcript and record. 60374

Upon final hearing, the court shall grant or deny the 60375
relief prayed for in the complaint as may be proper in 60376
accordance with the evidence adduced in the hearing. Such an 60377
action is a special proceeding, and either the employee or the 60378

board may appeal from the decision of the court of common pleas 60379
pursuant to the Rules of Appellate Procedure and, to the extent 60380
not in conflict with those rules, Chapter 2505. of the Revised 60381
Code. 60382

(H) Notwithstanding divisions (C) to (G) of this section, 60383
a county board and an employee may agree to submit issues 60384
regarding the employee's removal, suspension, or demotion to 60385
binding arbitration. The terms of the submission, including the 60386
method of selecting the arbitrator or arbitrators and the 60387
responsibility for compensating the arbitrator, shall be 60388
provided for in the arbitration agreement. The arbitrator shall 60389
be selected within fifteen days of the execution of the 60390
agreement. Chapter 2711. of the Revised Code governs the 60391
arbitration proceedings. 60392

Sec. 5126.24. (A) As used in this section: 60393

(1) "License" means an educator license issued by the 60394
state board of education under section 3319.22 of the Revised 60395
Code or a certificate issued by the department of developmental 60396
disabilities. 60397

(2) "Teacher" means a person employed by a county board of 60398
developmental disabilities in a position that requires a 60399
license. 60400

(3) "Nonteaching employee" means a person employed by a 60401
county board of developmental disabilities in a position that 60402
does not require a license. 60403

(4) "Years of service" includes all service described in 60404
division (A) of section 3317.13 of the Revised Code. 60405

(B) Subject to rules established by the director of 60406
developmental disabilities pursuant to Chapter 119. of the 60407

Revised Code, each county board of developmental disabilities 60408
shall annually adopt separate salary schedules for teachers and 60409
nonteaching employees. 60410

(C) The teachers' salary schedule shall provide for 60411
increments based on training and years of service. The board may 60412
establish its own service requirements provided no teacher 60413
receives less than the salary the teacher would be paid under 60414
section 3317.13 of the Revised Code if the teacher were employed 60415
by a school district board of education and provided full credit 60416
for a minimum of five years of actual teaching and military 60417
experience as defined in division (A) of such section is given 60418
to each teacher. 60419

Each teacher who has completed training that would qualify 60420
the teacher for a higher salary bracket pursuant to this section 60421
shall file by the fifteenth day of September with the fiscal 60422
officer of the board, satisfactory evidence of the completion of 60423
such additional training. The fiscal officer shall then 60424
immediately place the teacher, pursuant to this section, in the 60425
proper salary bracket in accordance with training and years of 60426
service. No teacher shall be paid less than the salary to which 60427
the teacher would be entitled under section 3317.13 of the 60428
Revised Code if the teacher were employed by a school district 60429
board of education. 60430

The superintendent of each county board, on or before the 60431
fifteenth day of October of each year, shall certify to the 60432
state board of education and the department of education and 60433
workforce the name of each teacher employed, on an annual 60434
salary, in each special education program operated pursuant to 60435
section 3323.09 of the Revised Code during the first full school 60436
week of October. The superintendent further shall certify, for 60437

each teacher, the number of years of training completed at a 60438
recognized college, the degrees earned from a college recognized 60439
by the ~~state board~~department of education and workforce, the 60440
type of license held, the number of months employed by the 60441
board, the annual salary, and other information that the ~~state-~~ 60442
~~board~~department may request. 60443

(D) The nonteaching employees' salary schedule established 60444
by the board shall be based on training, experience, and 60445
qualifications with initial salaries no less than salaries in 60446
effect on July 1, 1985. Each board shall prepare and may amend 60447
from time to time, specifications descriptive of duties, 60448
responsibilities, requirements, and desirable qualifications of 60449
the classifications of employees required to perform the duties 60450
specified in the salary schedule. All nonteaching employees 60451
shall be notified of the position classification to which they 60452
are assigned and the salary for the classification. The 60453
compensation of all nonteaching employees working for a 60454
particular board shall be uniform for like positions except as 60455
compensation would be affected by salary increments based upon 60456
length of service. 60457

On the fifteenth day of October of each year the 60458
nonteaching employees' salary schedule and list of job 60459
classifications and salaries in effect on that date shall be 60460
filed by each board with the superintendent of public 60461
instruction and the department. If such salary schedule and 60462
classification plan is not filed, the ~~superintendent of public-~~ 60463
~~instruction~~director of education and workforce shall order the 60464
board to file such schedule and list forthwith. If this 60465
condition is not corrected within ten days after receipt of the 60466
order from the ~~superintendent~~director, no money shall be 60467
distributed to the board under Chapter 3317. of the Revised Code 60468

until the ~~superintendent~~director has satisfactory evidence of 60469
the board's full compliance with such order. 60470

Sec. 5139.34. (A) Funds may be appropriated to the 60471
department of youth services for the purpose of granting state 60472
subsidies to counties. A county or the juvenile court that 60473
serves a county shall use state subsidies granted to the county 60474
pursuant to this section only in accordance with divisions (B) 60475
(2) (a) and (3) (a) of section 5139.43 of the Revised Code and the 60476
rules pertaining to the state subsidy funds that the department 60477
adopts pursuant to division (D) of section 5139.04 of the 60478
Revised Code. The department shall not grant financial 60479
assistance pursuant to this section for the provision of care 60480
and services for children in a placement facility unless the 60481
facility has been certified, licensed, or approved by a state or 60482
national agency with certification, licensure, or approval 60483
authority, including, but not limited to, the department of job 60484
and family services, department of education and workforce, 60485
department of mental health and addiction services, department 60486
of developmental disabilities, or American correctional 60487
association. For the purposes of this section, placement 60488
facilities do not include a state institution or a county or 60489
district children's home. 60490

The department also shall not grant financial assistance 60491
pursuant to this section for the provision of care and services 60492
for children, including, but not limited to, care and services 60493
in a detention facility, in another facility, or in out-of-home 60494
placement, unless the minimum standards applicable to the care 60495
and services that the department prescribes in rules adopted 60496
pursuant to division (D) of section 5139.04 of the Revised Code 60497
have been satisfied. 60498

(B) The department of youth services shall apply the following formula to determine the amount of the annual grant that each county is to receive pursuant to division (A) of this section, subject to the appropriation for this purpose to the department made by the general assembly:

(1) Each county shall receive a basic annual grant of fifty thousand dollars.

(2) The sum of the basic annual grants provided under division (B) (1) of this section shall be subtracted from the total amount of funds appropriated to the department of youth services for the purpose of making grants pursuant to division (A) of this section to determine the remaining portion of the funds appropriated. The remaining portion of the funds appropriated shall be distributed on a per capita basis to each county that has a population of more than twenty-five thousand for that portion of the population of the county that exceeds twenty-five thousand.

(C) (1) Prior to a county's receipt of an annual grant pursuant to this section, the juvenile court that serves the county shall prepare, submit, and file in accordance with division (B) (3) (a) of section 5139.43 of the Revised Code an annual grant agreement and application for funding that is for the combined purposes of, and that satisfies the requirements of, this section and section 5139.43 of the Revised Code. In addition to the subject matters described in division (B) (3) (a) of section 5139.43 of the Revised Code or in the rules that the department adopts to implement that division, the annual grant agreement and application for funding shall address fiscal accountability and performance matters pertaining to the programs, care, and services that are specified in the agreement

and application and for which state subsidy funds granted 60529
pursuant to this section will be used. 60530

(2) The county treasurer of each county that receives an 60531
annual grant pursuant to this section shall deposit the state 60532
subsidy funds so received into the county's felony delinquent 60533
care and custody fund created pursuant to division (B)(1) of 60534
section 5139.43 of the Revised Code. Subject to exceptions 60535
prescribed in section 5139.43 of the Revised Code that may apply 60536
to the disbursement, the department shall disburse the state 60537
subsidy funds to which a county is entitled in a lump sum 60538
payment that shall be made in July of each calendar year. 60539

(3) Upon an order of the juvenile court that serves a 60540
county and subject to appropriation by the board of county 60541
commissioners of that county, a county treasurer shall disburse 60542
from the county's felony delinquent care and custody fund the 60543
state subsidy funds granted to the county pursuant to this 60544
section for use only in accordance with this section, the 60545
applicable provisions of section 5139.43 of the Revised Code, 60546
and the county's approved annual grant agreement and application 60547
for funding. 60548

(4) The moneys in a county's felony delinquent care and 60549
custody fund that represent state subsidy funds granted pursuant 60550
to this section are subject to appropriation by the board of 60551
county commissioners of the county; shall be disbursed by the 60552
county treasurer as required by division (C)(3) of this section; 60553
shall be used in the manners referred to in division (C)(3) of 60554
this section; shall not revert to the county general fund at the 60555
end of any fiscal year; shall carry over in the felony 60556
delinquent care and custody fund from the end of any fiscal year 60557
to the next fiscal year; shall be in addition to, and shall not 60558

be used to reduce, any usual annual increase in county funding 60559
that the juvenile court is eligible to receive or the current 60560
level of county funding of the juvenile court and of any 60561
programs, care, or services for alleged or adjudicated 60562
delinquent children, unruly children, or juvenile traffic 60563
offenders or for children who are at risk of becoming delinquent 60564
children, unruly children, or juvenile traffic offenders; and 60565
shall not be used to pay for the care and custody of felony 60566
delinquents who are in the care and custody of an institution 60567
pursuant to a commitment, recommitment, or revocation of a 60568
release on parole by the juvenile court of that county or who 60569
are in the care and custody of a community corrections facility 60570
pursuant to a placement by the department as described in 60571
division (E) of section 5139.36 of the Revised Code. 60572

(5) As a condition of the continued receipt of state 60573
subsidy funds pursuant to this section, each county and the 60574
juvenile court that serves each county that receives an annual 60575
grant pursuant to this section shall comply with divisions (B) 60576
(3) (b), (c), and (d) of section 5139.43 of the Revised Code. 60577

Sec. 5145.06. (A) The department of rehabilitation and 60578
correction shall establish and operate a school system that is 60579
approved and chartered by the department of education and 60580
workforce and designated as the Ohio central school system to 60581
serve all of the correctional institutions under its control. 60582
The Ohio central school system shall provide educational 60583
programs for prisoners to allow them to complete adult basic 60584
education courses, earn Ohio certificates of high school 60585
equivalence, or pursue vocational training. To that end, the 60586
department may employ appropriately certified teachers, 60587
administrators, and support staff. The department shall provide 60588
classrooms, shops, and other appropriate facilities and 60589

necessary furniture, books, stationery, supplies, and equipment. 60590

(B) (1) The department of rehabilitation and correction 60591
shall require each prisoner who has not obtained a high school 60592
diploma to take courses leading toward an Ohio certificate of 60593
high school equivalence, an Ohio high school diploma pursuant to 60594
section 3313.61 of the Revised Code, or courses that provide 60595
vocational training. If a prisoner has obtained a high school 60596
diploma, the department shall encourage the prisoner to 60597
participate in a program of advanced studies or training for a 60598
skilled trade. 60599

(2) The department of rehabilitation and correction shall 60600
adopt rules that prescribe disciplinary actions that the 60601
department may take if a prisoner refuses to participate in an 60602
educational program required under division (B) (1) of this 60603
section. 60604

(3) The failure of the department of rehabilitation and 60605
correction to provide, pursuant to division (B) (1) of this 60606
section, an opportunity for any prisoner to participate in 60607
courses that lead toward an Ohio certificate of high school 60608
equivalence or an Ohio high school diploma, or that provide 60609
vocational training, does not give rise to a claim for damages 60610
against the department. 60611

(C) The department of rehabilitation and correction, for a 60612
clearly established medical, mental health, or security reason, 60613
may exclude certain prisoners from the requirement to take 60614
courses pursuant to division (B) (1) of this section. Any 60615
exclusion under this division shall be only for a clearly 60616
established medical, mental health, or security reason. Within 60617
six months after ~~the effective date of this amendment~~ March 31, 60618
2003, the department shall adopt rules pursuant to Chapter 119. 60619

of the Revised Code to establish the criteria and procedures for 60620
an exclusion under this division. 60621

Sec. 5162.363. The department of medicaid shall enter into 60622
an interagency agreement with the department of education and 60623
workforce under section 5162.35 of the Revised Code that 60624
provides for the department of education and workforce to 60625
administer the medicaid school component of the medicaid program 60626
other than the aspects of the component that sections 5162.36 to 60627
5162.366 of the Revised Code require the department of medicaid 60628
to administer. The interagency agreement may include a provision 60629
that provides for the department of education and workforce to 60630
pay to the department of medicaid the nonfederal share of a 60631
portion of the administrative expenses the department of 60632
medicaid incurs in administering the aspects of the component 60633
that the department of medicaid administers. 60634

To the extent authorized by rules authorized by section 60635
5162.021 of the Revised Code, the department of education and 60636
workforce shall adopt rules establishing a process by which 60637
qualified medicaid school providers participating in the 60638
medicaid school component pay to the department of education and 60639
workforce the nonfederal share of the department's expenses 60640
incurred in administering the component. The rules shall be 60641
adopted in accordance with Chapter 119. of the Revised Code. 60642

Sec. 5162.365. (A) A qualified medicaid school provider is 60643
solely responsible for timely repaying any overpayment that the 60644
provider receives under the medicaid school component of the 60645
medicaid program and that is discovered by a federal or state 60646
audit. This is the case regardless of whether the audit's 60647
finding identifies the provider, department of medicaid, or 60648
department of education and workforce as being responsible for 60649

the overpayment. 60650

(B) The department of medicaid shall not do any of the 60651
following regarding an overpayment for which a qualified 60652
medicaid school provider is responsible for repaying: 60653

(1) Make a payment to the federal government to meet or 60654
delay the provider's repayment obligation; 60655

(2) Assume the provider's repayment obligation; 60656

(3) Forgive the provider's repayment obligation. 60657

(C) Each qualified medicaid school provider shall 60658
indemnify and hold harmless the department of medicaid for any 60659
cost or penalty resulting from a federal or state audit finding 60660
that a claim submitted by the provider under section 5162.361 of 60661
the Revised Code did not comply with a federal or state 60662
requirement applicable to the claim, including a requirement of 60663
a medicaid waiver component. 60664

Sec. 5502.262. (A) As used in this section: 60665

(1) "Administrator" means the superintendent, principal, 60666
chief administrative officer, or other person having supervisory 60667
authority of any of the following: 60668

(a) A city, exempted village, local, or joint vocational 60669
school district; 60670

(b) A community school established under Chapter 3314. of 60671
the Revised Code, as required through reference in division (A) 60672
(11)(d) of section 3314.03 of the Revised Code; 60673

(c) A STEM school established under Chapter 3326. of the 60674
Revised Code, as required through reference in section 3326.11 60675
of the Revised Code; 60676

- (d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code; 60677
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- (e) A district or school operating a career-technical education program approved by the department of education and workforce under section 3317.161 of the Revised Code; 60679
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- (f) A chartered nonpublic school; 60682
- (g) An educational service center; 60683
- (h) A preschool program or school-age child care program licensed by the department of education and workforce; 60684
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- (i) Any other facility that primarily provides educational services to children subject to regulation by the department of education and workforce. 60686
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- (2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section. 60689
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- (3) "Building" means any school, school building, facility, program, or center. 60692
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- (4) "Regional mobile training officer" means the regional mobile training officer appointed under section 5502.70 of the Revised Code for the region in which a district, school, center, program, or facility is located. 60694
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- (B) (1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the 60698
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prevention of potentially dangerous problems and circumstances. 60705
In developing the plan for each building, the administrator 60706
shall involve community law enforcement and safety officials, 60707
parents of students who are assigned to the building, and 60708
teachers and nonteaching employees who are assigned to the 60709
building. The administrator may involve the regional mobile 60710
training officer in the development of the plan. The 60711
administrator shall incorporate remediation strategies into the 60712
plan for any building where documented safety problems have 60713
occurred. 60714

(2) Each administrator shall also incorporate into the 60715
emergency management plan adopted under division (B)(1) of this 60716
section all of the following: 60717

(a) A protocol for addressing serious threats to the 60718
safety of property, students, employees, or administrators; 60719

(b) A protocol for responding to any emergency events that 60720
occur and compromise the safety of property, students, 60721
employees, or administrators. This protocol shall include, but 60722
not be limited to, all of the following: 60723

(i) A floor plan that is unique to each floor of the 60724
building; 60725

(ii) A site plan that includes all building property and 60726
surrounding property; 60727

(iii) An emergency contact information sheet. 60728

(c) A threat assessment plan developed as prescribed in 60729
section 5502.263 of the Revised Code. A building may use the 60730
model plan developed by the department of public safety under 60731
that section; 60732

(d) A protocol for school threat assessment teams 60733
established under section 3313.669 of the Revised Code. 60734

(3) Each protocol described in division (B) of this 60735
section shall include procedures determined to be appropriate by 60736
the administrator for responding to threats and emergency 60737
events, respectively, including such things as notification of 60738
appropriate law enforcement personnel, calling upon specified 60739
emergency response personnel for assistance, and informing 60740
parents of affected students. 60741

Prior to the opening day of each school year, the 60742
administrator shall inform each student or child enrolled in the 60743
school and the student's or child's parent of the parental 60744
notification procedures included in the protocol. 60745

(4) Each administrator shall keep a copy of the emergency 60746
management plan adopted pursuant to this section in a secure 60747
place. 60748

(C) (1) The administrator shall submit to the director of 60749
public safety, in accordance with rules adopted pursuant to 60750
division (F) of this section, an electronic copy of the 60751
emergency management plan prescribed by division (B) of this 60752
section not less than once every three years, whenever a major 60753
modification to the building requires changes in the procedures 60754
outlined in the plan, and whenever information on the emergency 60755
contact information sheet changes. 60756

(2) The administrator also shall file a copy of the plan 60757
with each law enforcement agency that has jurisdiction over the 60758
school building and, upon request, to any of the following: 60759

(a) The fire department that serves the political 60760
subdivision in which the building is located; 60761

- (b) The emergency medical service organization that serves the political subdivision in which the building is located; 60762
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- (c) The county emergency management agency for the county in which the building is located; 60764
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- (d) The regional mobile training officer. 60766
- (3) Upon receipt of an emergency management plan, the director shall post the information on the contact and information management system and submit the information in accordance with rules adopted pursuant to division (F) of this section, to the attorney general, who shall post that information on the Ohio law enforcement gateway or its successor. 60767
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- (4) Any department or entity to which copies of an emergency management plan are filed under this section shall keep the copies in a secure place. 60774
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- (D) (1) Not later than the first day of July of each year, each administrator shall review the emergency management plan and certify to the director that the plan is current and accurate. 60777
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- (2) Anytime that an administrator updates the emergency management plan pursuant to division (C) (1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted pursuant to division (F) of this section, to the director and to any entity with which the administrator filed a copy under division (C) (2) of this section. 60781
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- (E) Each administrator shall do both of the following: 60788
- (1) Prepare and conduct at least one annual emergency 60789

management test, as defined in division (A) (2) of this section, 60790
in accordance with rules adopted pursuant to division (F) of 60791
this section; 60792

(2) Grant access to each building under the control of the 60793
administrator to law enforcement personnel and to entities 60794
described in division (C) (2) of this section, to enable the 60795
personnel and entities to hold training sessions for responding 60796
to threats and emergency events affecting the building, provided 60797
that the access occurs outside of student instructional hours 60798
and the administrator, or the administrator's designee, is 60799
present in the building during the training sessions. 60800

(F) The director of public safety, in consultation with 60801
representatives from the education community and in accordance 60802
with Chapter 119. of the Revised Code, shall adopt rules 60803
regarding emergency management plans under this section, 60804
including the content of the plans and procedures for filing the 60805
plans. The rules shall specify that plans and information 60806
required under division (B) of this section be submitted on 60807
standardized forms developed by the director for such purpose. 60808
The rules shall also specify the requirements and procedures for 60809
emergency management tests conducted pursuant to division (E) (1) 60810
of this section. Failure to comply with the rules may result in 60811
discipline pursuant to section 3319.31 of the Revised Code or 60812
any other action against the administrator as prescribed by 60813
rule. 60814

(G) Division (B) of section 3319.31 of the Revised Code 60815
applies to any administrator who is subject to the requirements 60816
of this section and is not exempt under division (H) of this 60817
section and who is an applicant for a license or holds a license 60818
from the state board of education pursuant to section 3319.22 of 60819

the Revised Code. 60820

(H) (1) The director may exempt any administrator from the 60821
requirements of this section, if the director determines that 60822
the requirements do not otherwise apply to a building or 60823
buildings under the control of that administrator. 60824

(2) The director shall exempt from the requirements of 60825
this section the administrator of an online learning school, 60826
established under section 3302.42 of the Revised Code, unless 60827
students of that school participate in in-person instruction or 60828
assessments at a location that is not covered by an existing 60829
emergency management plan, developed under this section as of 60830
December 14, 2021. 60831

(I) Copies of the emergency management plan and 60832
information required under division (B) of this section are 60833
security records and are not public records pursuant to section 60834
149.433 of the Revised Code. In addition, the information posted 60835
to the contact and information management system, pursuant to 60836
division (C) (3) (b) of this section, is exempt from public 60837
disclosure or release in accordance with sections 149.43, 60838
149.433, and 5502.03 of the Revised Code. 60839

Notwithstanding section 149.433 of the Revised Code, a 60840
floor plan filed with the attorney general pursuant to this 60841
section is not a public record to the extent it is a record kept 60842
by the attorney general. 60843

Sec. 5502.263. (A) As used in this section, "evidence- 60844
based" means a program or practice that does either of the 60845
following: 60846

(1) Demonstrates a rationale based on high-quality 60847
research findings or positive evaluation that such a program or 60848

practice is likely to improve relevant outcomes and includes 60849
ongoing efforts to examine the effects of the program or 60850
practice; 60851

(2) Has a statistically significant effect on relevant 60852
outcomes based on: 60853

(a) Strong evidence from at least one well-designed and 60854
well-implemented experimental study; 60855

(b) Moderate evidence from at least one well-designed and 60856
well-implemented quasi-experimental study; or 60857

(c) Promising evidence from at least one well-designed and 60858
well-implemented correlation study with statistical controls for 60859
selection bias. 60860

(B) Not later than two years after ~~the effective date of~~ 60861
~~this section~~ March 24, 2021, the department of public safety, in 60862
consultation with the department of education and workforce and 60863
the attorney general, shall develop a model threat assessment 60864
plan that may be used in a building's emergency management plan 60865
developed under section 5502.262 of the Revised Code. The model 60866
plan shall do at least the following: 60867

(1) Identify the types of threatening behavior that may 60868
represent a physical threat to a school community; 60869

(2) Identify individuals to whom threatening behavior 60870
should be reported and steps to be taken by those individuals; 60871

(3) Establish threat assessment guidelines including 60872
identification, evaluation of seriousness of threat or danger, 60873
intervention to reduce potential violence, and follow-up to 60874
assess intervention results; 60875

(4) Establish guidelines for coordinating with local law 60876

enforcement agencies and reports collected through the 60877
district's chosen anonymous reporting program under section 60878
3313.6610 of the Revised Code and identify a point of contact 60879
within each agency; 60880

(5) Conform with all other specifications in a school's 60881
emergency management plan developed under section 5502.262 of 60882
the Revised Code. 60883

Evidence-based threat assessment processes or best 60884
practice threat assessment guidelines created by the national 60885
threat assessment center shall be a resource when developing the 60886
model threat assessment plan. 60887

(C) Not later than two years after ~~the effective date of~~ 60888
~~this section~~ March 24, 2021, the department of public safety, in 60889
consultation with the department of education and workforce and 60890
the attorney general, shall develop and maintain a list of 60891
approved training programs for completion by school threat 60892
assessment team members prescribed in section 3313.669 of the 60893
Revised Code, one of which must be free or of no cost to 60894
schools. Each program approved under this section must be an 60895
evidence-based program that provides instruction in the 60896
following: 60897

(1) Identifying behaviors, signs, and threats that may 60898
lead to a violent act; 60899

(2) Determining the seriousness of a threat; 60900

(3) Developing intervention plans that protect the 60901
potential victims and address the underlying problem or conflict 60902
that initiated the behavior and assessments of plan results. 60903

Completion of an approved program under this section shall 60904
fulfill the training requirements prescribed under section 60905

3313.669 of the Revised Code. 60906

Sec. 5513.04. (A) Notwithstanding sections 125.12, 125.13, 60907
and 125.14 of the Revised Code, the director of transportation 60908
may sell, transfer, or otherwise dispose of any item of personal 60909
property that is not needed by the department of transportation. 60910
The director may exchange any such item, in the manner provided 60911
for in this chapter, and pay the balance of the cost of such new 60912
item from funds appropriated to the department. The director 60913
also may accept a credit voucher or cash in an amount mutually 60914
agreed upon between a vendor and the department. The director 60915
shall apply the amount of any credit voucher to future purchases 60916
from that vendor and shall deposit any cash into the state 60917
treasury to the credit of the highway operating fund created in 60918
section 5735.051 of the Revised Code. 60919

(B) (1) The director may sell or transfer any structure, 60920
machinery, tools, equipment, parts, material, office furniture, 60921
or supplies unfit for use or not needed by the department of 60922
transportation to any agency of the state or a political 60923
subdivision of the state without notice of the proposed disposal 60924
and upon any mutually agreed upon terms. 60925

(2) Before selling any passenger vehicle, van, truck, 60926
trailer, or other heavy equipment, the director shall notify 60927
each county, municipal corporation, township, and school 60928
district of the sale. The director shall similarly notify the 60929
board of trustees of any regional water and sewer district 60930
established under Chapter 6119. of the Revised Code, when the 60931
board has forwarded to the director the district's name and 60932
current business address. For the purposes of this division, the 60933
name and current business address of a regional water and sewer 60934
district shall be forwarded to the director once each year 60935

during any year in which the board wishes the notification to be 60936
given. The notice required by this division may be given by the 60937
most economical means considered to be effective. If after seven 60938
days following mailing or other issuance of the director's 60939
notice, no county, municipal corporation, township, regional 60940
water and sewer district, educational service center, or school 60941
district has notified the director that it wishes to purchase 60942
any such vehicle or other heavy equipment, the director may 60943
proceed with the sale under division (C) of this section. 60944

In the discretion of the director, the director may 60945
transfer any vehicle or other heavy equipment that is unfit for 60946
use or not needed by the department to any agency of the state 60947
or political subdivision of the state without advertising for 60948
bids and upon mutually agreed upon terms. 60949

(3) The director may sell or otherwise dispose of any 60950
structure or structural materials salvaged on the state highway 60951
system that in the director's judgment are no longer needed by 60952
the department, or that, through wear or obsolescence, have 60953
become unfit for use. The director may transfer the structure or 60954
materials to counties, municipal corporations, school districts, 60955
or other political subdivisions without advertising for bids and 60956
upon mutually agreed upon terms. The director may transfer the 60957
structure or structural materials to a nonprofit corporation 60958
upon being furnished a copy of a contract between the nonprofit 60959
corporation and a county, municipal corporation, or other 60960
political subdivision to which the structure is to be moved 60961
pursuant to which the nonprofit corporation must make the 60962
structure or structural materials available for rent or sale 60963
within a period of three months after becoming available for 60964
occupancy to an individual or family which has been displaced by 60965
governmental action or which occupies substandard housing as 60966

certified by such political subdivision, without advertising for 60967
bids. Any such transfers shall be for such consideration as 60968
shall be determined by the director to be fair and reasonable, 60969
and shall be upon such terms and specifications with respect to 60970
performance and indemnity as shall be determined necessary by 60971
the director. 60972

When, in carrying out an improvement that replaces any 60973
structure or structural materials, it is advantageous to dispose 60974
of the structure or structural materials by providing in the 60975
contract for the improvement that the structure or structural 60976
materials, or any part thereof, shall become the property of the 60977
contractor, the director may so proceed. 60978

(C) (1) Any item that has not been sold or transferred as 60979
provided in division (B) of this section may be sold at a public 60980
sale, as determined by the director. The director may authorize 60981
such sale by the deputy directors of transportation, and the 60982
proceedings of such sale shall be conducted in the same manner 60983
as provided for sales by the director. The director may 60984
establish a minimum price for any item to be sold and may 60985
establish any other terms, conditions, and manner for the sale 60986
of a particular item, which may be on any basis the director 60987
determines to be most advantageous to the department. The 60988
director may reject any offer or bid for an item. The director 60989
may remove any item from a sale if it develops that a public 60990
authority has a use for the item. In any notice of a sale, the 60991
director shall include a brief description of the item to be 60992
sold, the terms and conditions of the sale, and a statement of 60993
the time, place, and manner of the sale. 60994

(2) (a) If, in the opinion of the director, any item to be 60995
sold has an estimated fair market value in excess of one 60996

thousand dollars, the director shall post a notice of the sale, 60997
for not less than ten days, on the official web site of the 60998
department. If the district where the property is located 60999
maintains a web site, notice of the sale also shall be posted on 61000
that web site. At least ten days before the sale, the director 61001
also shall publish one notice of the sale in a periodical or 61002
newspaper of general circulation in the region in which the 61003
items are located. A sale under division (C) (2) (a) of this 61004
section shall be made to the highest responsible bidder. 61005

(b) If, in the opinion of the director, any item to be 61006
sold has an estimated fair market value of one thousand dollars 61007
or less, the director is not required to advertise the proposed 61008
sale except by notice posted on the official web site of the 61009
department. The notice shall be posted for at least five working 61010
days. A sale under division (C) (2) (b) of this section shall be 61011
made to the highest responsible bidder. 61012

(D) Proceeds of any sale described in this section shall 61013
be paid into the state treasury to the credit of the highway 61014
operating fund or any other fund of the department as determined 61015
by the director. 61016

(E) Once each year, the ~~state board~~ department of 61017
education and workforce shall provide the director with a 61018
current list of the addresses of all school districts and 61019
educational service centers in the state. 61020

(F) As used in this section: 61021

(1) "Personal property" means any structure or structural 61022
material, machinery, tools, equipment, parts, material, office 61023
furniture, supplies, passenger vehicle, van, truck, trailer, or 61024
other heavy equipment of the department; 61025

(2) "School district" means any city school district, 61026
local school district, exempted village school district, 61027
cooperative education school district, and joint vocational 61028
school district, as defined in Chapter 3311. of the Revised 61029
Code. 61030

(3) "Sale" means fixed price sale, live or internet 61031
auction, or any other type of sale determined by the director. 61032

Sec. 5703.21. (A) Except as provided in divisions (B) and 61033
(C) of this section, no agent of the department of taxation, 61034
except in the agent's report to the department or when called on 61035
to testify in any court or proceeding, shall divulge any 61036
information acquired by the agent as to the transactions, 61037
property, or business of any person while acting or claiming to 61038
act under orders of the department. Whoever violates this 61039
provision shall thereafter be disqualified from acting as an 61040
officer or employee or in any other capacity under appointment 61041
or employment of the department. 61042

(B) (1) For purposes of an audit pursuant to section 117.15 61043
of the Revised Code, or an audit of the department pursuant to 61044
Chapter 117. of the Revised Code, or an audit, pursuant to that 61045
chapter, the objective of which is to express an opinion on a 61046
financial report or statement prepared or issued pursuant to 61047
division (A) (7) or (9) of section 126.21 of the Revised Code, 61048
the officers and employees of the auditor of state charged with 61049
conducting the audit shall have access to and the right to 61050
examine any state tax returns and state tax return information 61051
in the possession of the department to the extent that the 61052
access and examination are necessary for purposes of the audit. 61053
Any information acquired as the result of that access and 61054
examination shall not be divulged for any purpose other than as 61055

required for the audit or unless the officers and employees are 61056
required to testify in a court or proceeding under compulsion of 61057
legal process. Whoever violates this provision shall thereafter 61058
be disqualified from acting as an officer or employee or in any 61059
other capacity under appointment or employment of the auditor of 61060
state. 61061

(2) For purposes of an internal audit pursuant to section 61062
126.45 of the Revised Code, the officers and employees of the 61063
office of internal audit in the office of budget and management 61064
charged with directing the internal audit shall have access to 61065
and the right to examine any state tax returns and state tax 61066
return information in the possession of the department to the 61067
extent that the access and examination are necessary for 61068
purposes of the internal audit. Any information acquired as the 61069
result of that access and examination shall not be divulged for 61070
any purpose other than as required for the internal audit or 61071
unless the officers and employees are required to testify in a 61072
court or proceeding under compulsion of legal process. Whoever 61073
violates this provision shall thereafter be disqualified from 61074
acting as an officer or employee or in any other capacity under 61075
appointment or employment of the office of internal audit. 61076

(3) As provided by section 6103(d)(2) of the Internal 61077
Revenue Code, any federal tax returns or federal tax information 61078
that the department has acquired from the internal revenue 61079
service, through federal and state statutory authority, may be 61080
disclosed to the auditor of state or the office of internal 61081
audit solely for purposes of an audit of the department. 61082

(4) For purposes of Chapter 3739. of the Revised Code, an 61083
agent of the department of taxation may share information with 61084
the division of state fire marshal that the agent finds during 61085

the course of an investigation. 61086

(C) Division (A) of this section does not prohibit any of 61087
the following: 61088

(1) Divulging information contained in applications, 61089
complaints, and related documents filed with the department 61090
under section 5715.27 of the Revised Code or in applications 61091
filed with the department under section 5715.39 of the Revised 61092
Code; 61093

(2) Providing information to the office of child support 61094
within the department of job and family services pursuant to 61095
section 3125.43 of the Revised Code; 61096

(3) Disclosing to the motor vehicle repair board any 61097
information in the possession of the department that is 61098
necessary for the board to verify the existence of an 61099
applicant's valid vendor's license and current state tax 61100
identification number under section 4775.07 of the Revised Code; 61101

(4) Providing information to the administrator of workers' 61102
compensation pursuant to sections 4123.271 and 4123.591 of the 61103
Revised Code; 61104

(5) Providing to the attorney general information the 61105
department obtains under division (J) of section 1346.01 of the 61106
Revised Code; 61107

(6) Permitting properly authorized officers, employees, or 61108
agents of a municipal corporation from inspecting reports or 61109
information pursuant to section 718.84 of the Revised Code or 61110
rules adopted under section 5745.16 of the Revised Code; 61111

(7) Providing information regarding the name, account 61112
number, or business address of a holder of a vendor's license 61113

issued pursuant to section 5739.17 of the Revised Code, a holder	61114
of a direct payment permit issued pursuant to section 5739.031	61115
of the Revised Code, or a seller having a use tax account	61116
maintained pursuant to section 5741.17 of the Revised Code, or	61117
information regarding the active or inactive status of a	61118
vendor's license, direct payment permit, or seller's use tax	61119
account;	61120
(8) Releasing invoices or invoice information furnished	61121
under section 4301.433 of the Revised Code pursuant to that	61122
section;	61123
(9) Providing to a county auditor notices or documents	61124
concerning or affecting the taxable value of property in the	61125
county auditor's county. Unless authorized by law to disclose	61126
documents so provided, the county auditor shall not disclose	61127
such documents;	61128
(10) Providing to a county auditor sales or use tax return	61129
or audit information under section 333.06 of the Revised Code;	61130
(11) Subject to section 4301.441 of the Revised Code,	61131
disclosing to the appropriate state agency information in the	61132
possession of the department of taxation that is necessary to	61133
verify a permit holder's gallonage or noncompliance with taxes	61134
levied under Chapter 4301. or 4305. of the Revised Code;	61135
(12) Disclosing to the department of natural resources	61136
information in the possession of the department of taxation that	61137
is necessary for the department of taxation to verify the	61138
taxpayer's compliance with section 5749.02 of the Revised Code	61139
or to allow the department of natural resources to enforce	61140
Chapter 1509. of the Revised Code;	61141
(13) Disclosing to the department of job and family	61142

services, industrial commission, and bureau of workers' 61143
compensation information in the possession of the department of 61144
taxation solely for the purpose of identifying employers that 61145
misclassify employees as independent contractors or that fail to 61146
properly report and pay employer tax liabilities. The department 61147
of taxation shall disclose only such information that is 61148
necessary to verify employer compliance with law administered by 61149
those agencies. 61150

(14) Disclosing to the Ohio casino control commission 61151
information in the possession of the department of taxation that 61152
is necessary to verify a casino operator's or sports gaming 61153
proprietor's compliance with section 5747.063, 5753.02, or 61154
5753.021 of the Revised Code and sections related thereto; 61155

(15) Disclosing to the state lottery commission 61156
information in the possession of the department of taxation that 61157
is necessary to verify a lottery sales agent's compliance with 61158
section 5747.064 of the Revised Code. 61159

(16) Disclosing to the department of development 61160
information in the possession of the department of taxation that 61161
is necessary to ensure compliance with the laws of this state 61162
governing taxation and to verify information reported to the 61163
department of development for the purpose of evaluating 61164
potential tax credits, tax deductions, grants, or loans. Such 61165
information shall not include information received from the 61166
internal revenue service the disclosure of which is prohibited 61167
by section 6103 of the Internal Revenue Code. No officer, 61168
employee, or agent of the department of development shall 61169
disclose any information provided to the department of 61170
development by the department of taxation under division (C) (16) 61171
of this section except when disclosure of the information is 61172

necessary for, and made solely for the purpose of facilitating, 61173
the evaluation of potential tax credits, tax deductions, grants, 61174
or loans. 61175

(17) Disclosing to the department of insurance information 61176
in the possession of the department of taxation that is 61177
necessary to ensure a taxpayer's compliance with the 61178
requirements with any tax credit administered by the department 61179
of development and claimed by the taxpayer against any tax 61180
administered by the superintendent of insurance. No officer, 61181
employee, or agent of the department of insurance shall disclose 61182
any information provided to the department of insurance by the 61183
department of taxation under division (C)(17) of this section. 61184

(18) Disclosing to the division of liquor control 61185
information in the possession of the department of taxation that 61186
is necessary for the division and department to comply with the 61187
requirements of sections 4303.26 and 4303.271 of the Revised 61188
Code. 61189

(19) Disclosing to the department of education and 61190
workforce, upon that department's request, information in the 61191
possession of the department of taxation that is necessary only 61192
to verify whether the family income of a student applying for or 61193
receiving a scholarship under the educational choice scholarship 61194
pilot program is equal to, less than, or greater than the income 61195
thresholds prescribed by section 3310.032 of the Revised Code. 61196
The department of education and workforce shall provide 61197
sufficient information about the student and the student's 61198
family to enable the department of taxation to make the 61199
verification. 61200

(20) Disclosing to the Ohio rail development commission 61201
information in the possession of the department of taxation that 61202

is necessary to ensure compliance with the laws of this state 61203
governing taxation and to verify information reported to the 61204
commission for the purpose of evaluating potential grants or 61205
loans. Such information shall not include information received 61206
from the internal revenue service the disclosure of which is 61207
prohibited by section 6103 of the Internal Revenue Code. No 61208
member, officer, employee, or agent of the Ohio rail development 61209
commission shall disclose any information provided to the 61210
commission by the department of taxation under division (C) (20) 61211
of this section except when disclosure of the information is 61212
necessary for, and made solely for the purpose of facilitating, 61213
the evaluation of potential grants or loans. 61214

(21) Disclosing to the state racing commission information 61215
in the possession of the department of taxation that is 61216
necessary for verification of compliance with and for 61217
enforcement and administration of the taxes levied by Chapter 61218
3769. of the Revised Code. Such information shall include 61219
information that is necessary for the state racing commission to 61220
verify compliance with Chapter 3769. of the Revised Code for the 61221
purposes of issuance, denial, suspension, or revocation of a 61222
permit pursuant to section 3769.03 or 3769.06 of the Revised 61223
Code and related sections. Unless disclosure is otherwise 61224
authorized by law, information provided to the state racing 61225
commission under this section remains confidential and is not 61226
subject to public disclosure pursuant to section 3769.041 of the 61227
Revised Code. 61228

(22) Disclosing to the state fire marshal information in 61229
the possession of the department of taxation that is necessary 61230
for the state fire marshal to verify the compliance of a 61231
licensed manufacturer of fireworks or a licensed wholesaler of 61232
fireworks with section 3743.22 of the Revised Code. No officer, 61233

employee, or agent of the state fire marshal shall disclose any 61234
information provided to the state fire marshal by the department 61235
of taxation under division (C) (22) of this section. 61236

Sec. 5705.216. A board of education that has issued notes 61237
in anticipation of the proceeds of a permanent improvements levy 61238
in the maximum amount permitted under division (D) (2) or (3) of 61239
section 5705.21 of the Revised Code or a taxing authority of a 61240
county school financing district that has issued notes in 61241
anticipation of the proceeds of a levy in the maximum amount 61242
permitted under section 5705.215 of the Revised Code may, if the 61243
proceeds from the issuance of such notes have been spent, 61244
contracted, or encumbered, apply to the ~~superintendent of public~~ 61245
~~instruction~~ director of education and workforce for 61246
authorization to anticipate a fraction of the remaining 61247
estimated proceeds of the levy and issue anticipation notes for 61248
that purpose. The application shall be in such form and contain 61249
such information as the ~~superintendent~~ director considers 61250
necessary and shall specify the amount of notes to be issued. 61251
The amount shall not exceed the following: 61252

(A) In the case of a school district: 61253

(1) For levies described under division (D) (2) of section 61254
5705.21 of the Revised Code, the amount by which the total 61255
estimated proceeds of the levy remaining to be collected 61256
throughout its life exceeds the amount from such proceeds 61257
required to pay the principal and interest on notes issued under 61258
section 5705.21 of the Revised Code and the interest on any 61259
notes issued under this section; 61260

(2) For levies described under division (D) (3) of section 61261
5705.21 of the Revised Code, the amount by which the total 61262
estimated proceeds of the levy remaining to be collected over 61263

the specified number of years authorized for the issuance of the 61264
notes exceeds the amount from such proceeds required to pay the 61265
principal and interest on notes issued under section 5705.21 of 61266
the Revised Code and the interest on any notes issued under this 61267
section. 61268

(B) In the case of a county school financing district, the 61269
amount by which the total estimated proceeds of the levy 61270
remaining to be collected for the first five years of its life 61271
exceed the amount from such proceeds required to pay the 61272
principal and interest on notes issued under section 5705.215 of 61273
the Revised Code and the interest on any notes issued under this 61274
section. 61275

The ~~superintendent~~director shall examine the application 61276
and any other relevant information submitted and shall determine 61277
and certify the maximum amount of notes the district may issue 61278
under this section, which may be an amount less than the amount 61279
requested by the district. 61280

If the ~~superintendent~~director determines that the 61281
anticipated proceeds from the levy may be significantly less 61282
than expected and that additional notes should not be issued, 61283
the ~~superintendent~~director may deny the application and give 61284
written notice of the denial to the president of the district's 61285
board of education or the taxing authority. 61286

Such notes shall be sold in the same manner as notes 61287
issued under section 5705.21 or 5705.215 of the Revised Code. 61288

Sec. 5705.391. (A) The department of education and 61289
workforce and the auditor of state shall jointly adopt rules 61290
requiring boards of education to submit five-year projections of 61291
operational revenues and expenditures. The rules shall provide 61292

for the auditor of state or the department to examine the five- 61293
year projections and to determine whether any further fiscal 61294
analysis is needed to ascertain whether a district has the 61295
potential to incur a deficit during the first three years of the 61296
five-year period. 61297

The auditor of state or the department may conduct any 61298
further audits or analyses necessary to assess any district's 61299
fiscal condition. If further audits or analyses are conducted by 61300
the auditor of state, the auditor of state shall notify the 61301
department of the district's fiscal condition, and the 61302
department shall immediately notify the district of any 61303
potential to incur a deficit in the current fiscal year or of 61304
any strong indications that a deficit will be incurred in either 61305
of the ensuing two years. If such audits or analyses are 61306
conducted by the department, the department shall immediately 61307
notify the district and the auditor of state of such potential 61308
deficit or strong indications thereof. 61309

A district notified under this section shall take 61310
immediate steps to eliminate any deficit in the current fiscal 61311
year and shall begin to plan to avoid the projected future 61312
deficits. 61313

(B) The state board of education, in accordance with 61314
sections 3319.31 and 3319.311 of the Revised Code, may limit, 61315
suspend, or revoke a license as defined under section 3319.31 of 61316
the Revised Code that has been issued to any school employee 61317
found to have willfully contributed erroneous, inaccurate, or 61318
incomplete data required for the submission of the five-year 61319
projection required by this section. 61320

(C) The department and the auditor of state, in their 61321
joint adoption of rules under division (A) of this section, 61322

shall not require a board of education to submit its five-year 61323
projection of operational revenues and expenditures prior to the 61324
thirtieth day of November of any fiscal year. 61325

Sec. 5705.412. (A) As used in this section, "qualifying 61326
contract" means any agreement for the expenditure of money under 61327
which aggregate payments from the funds included in the school 61328
district's five-year forecast under section 5705.391 of the 61329
Revised Code will exceed the lesser of the following amounts: 61330

(1) Five hundred thousand dollars; 61331

(2) One per cent of the total revenue to be credited in 61332
the current fiscal year to the district's general fund, as 61333
specified in the district's most recent certificate of estimated 61334
resources certified under section 5705.36 of the Revised Code. 61335

(B) (1) Notwithstanding section 5705.41 of the Revised 61336
Code, no school district shall adopt any appropriation measure, 61337
make any qualifying contract, or increase during any school year 61338
any wage or salary schedule unless there is attached thereto a 61339
certificate, signed as required by this section, that the school 61340
district has in effect the authorization to levy taxes including 61341
the renewal or replacement of existing levies which, when 61342
combined with the estimated revenue from all other sources 61343
available to the district at the time of certification, are 61344
sufficient to provide the operating revenues necessary to enable 61345
the district to maintain all personnel and programs for all the 61346
days set forth in its adopted school calendars for the current 61347
fiscal year and for a number of days in succeeding fiscal years 61348
equal to the number of days instruction was held or is scheduled 61349
for the current fiscal year, as follows: 61350

(a) A certificate attached to an appropriation measure 61351

under this section shall cover only the fiscal year in which the
appropriation measure is effective and shall not consider the
renewal or replacement of an existing levy as the authority to
levy taxes that are subject to appropriation in the current
fiscal year unless the renewal or replacement levy has been
approved by the electors and is subject to appropriation in the
current fiscal year.

(b) A certificate attached, in accordance with this
section, to any qualifying contract shall cover the term of the
contract.

(c) A certificate attached under this section to a wage or
salary schedule shall cover the term of the schedule.

If the board of education has not adopted a school
calendar for the school year beginning on the first day of the
fiscal year in which a certificate is required, the certificate
attached to an appropriation measure shall include the number of
days on which instruction was held in the preceding fiscal year
and other certificates required under this section shall include
that number of days for the fiscal year in which the certificate
is required and any succeeding fiscal years that the certificate
must cover.

The certificate shall be signed by the treasurer and
president of the board of education and the superintendent of
the school district, unless the district is in a state of fiscal
emergency declared under Chapter 3316. of the Revised Code. In
that case, the certificate shall be signed by a member of the
district's financial planning and supervision commission who is
designated by the commission for this purpose.

(2) In lieu of the certificate required under division (B)

of this section, an alternative certificate stating the 61381
following may be attached: 61382

(a) The contract is a multi-year contract for materials, 61383
equipment, or nonpayroll services essential to the education 61384
program of the district; 61385

(b) The multi-year contract demonstrates savings over the 61386
duration of the contract as compared to costs that otherwise 61387
would have been demonstrated in a single year contract, and the 61388
terms will allow the district to reduce the deficit it is 61389
currently facing in future years as demonstrated in its five- 61390
year forecast adopted in accordance with section 5705.391 of the 61391
Revised Code. 61392

The certificate shall be signed by the treasurer and 61393
president of the board of education and the superintendent of 61394
the school district, unless the district is in a state of fiscal 61395
emergency declared under Chapter 3316. of the Revised Code. In 61396
that case, the certificate shall be signed by a member of the 61397
district's financial planning and supervision commission who is 61398
designated by the commission for this purpose. 61399

(C) Every qualifying contract made or wage or salary 61400
schedule adopted or put into effect without such a certificate 61401
shall be void, and no payment of any amount due thereon shall be 61402
made. 61403

(D) The department of education and workforce and the 61404
auditor of state jointly shall adopt rules governing the methods 61405
by which treasurers, presidents of boards of education, 61406
superintendents, and members of financial planning and 61407
supervision commissions shall estimate revenue and determine 61408
whether such revenue is sufficient to provide necessary 61409

operating revenue for the purpose of making certifications 61410
required by this section. 61411

(E) The auditor of state shall be responsible for 61412
determining whether school districts are in compliance with this 61413
section. At the time a school district is audited pursuant to 61414
section 117.11 of the Revised Code, the auditor of state shall 61415
review each certificate issued under this section since the 61416
district's last audit, and the appropriation measure, contract, 61417
or wage and salary schedule to which such certificate was 61418
attached. If the auditor of state determines that a school 61419
district has not complied with this section with respect to any 61420
qualifying contract or wage or salary schedule, the auditor of 61421
state shall notify the prosecuting attorney for the county, the 61422
city director of law, or other chief law officer of the school 61423
district. That officer may file a civil action in any court of 61424
appropriate jurisdiction to seek a declaration that the contract 61425
or wage or salary schedule is void, to recover for the school 61426
district from the payee the amount of payments already made 61427
under it, or both, except that the officer shall not seek to 61428
recover payments made under any collective bargaining agreement 61429
entered into under Chapter 4117. of the Revised Code. If the 61430
officer does not file such an action within one hundred twenty 61431
days after receiving notice of noncompliance from the auditor of 61432
state, any taxpayer may institute the action in the taxpayer's 61433
own name on behalf of the school district. 61434

(F) This section does not apply to any contract or 61435
increase in any wage or salary schedule that is necessary in 61436
order to enable a board of education to comply with division (B) 61437
of section 3317.13 of the Revised Code, provided the contract or 61438
increase does not exceed the amount required to be paid to be in 61439
compliance with such division. 61440

(G) Any officer, employee, or other person who expends or authorizes the expenditure of any public funds or authorizes or executes any contract or schedule contrary to this section, expends or authorizes the expenditure of any public funds on the void contract or schedule, or issues a certificate under this section which contains any false statements is liable to the school district for the full amount paid from the district's funds on the contract or schedule. The officer, employee, or other person is jointly and severally liable in person and upon any official bond that the officer, employee, or other person has given to the school district to the extent of any payments on the void claim, not to exceed ten thousand dollars. However, no officer, employee, or other person shall be liable for a mistaken estimate of available resources made in good faith and based upon reasonable grounds. If an officer, employee, or other person is found to have complied with rules jointly adopted by the department of education and workforce and the auditor of state under this section governing methods by which revenue shall be estimated and determined sufficient to provide necessary operating revenue for the purpose of making certifications required by this section, the officer, employee, or other person shall not be liable under this section if the estimates and determinations made according to those rules do not, in fact, conform with actual revenue. The prosecuting attorney of the county, the city director of law, or other chief law officer of the district shall enforce this liability by civil action brought in any court of appropriate jurisdiction in the name of and on behalf of the school district. If the prosecuting attorney, city director of law, or other chief law officer of the district fails, upon the written request of any taxpayer, to institute action for the enforcement of the liability, the attorney general, or the taxpayer in the

taxpayer's own name, may institute the action on behalf of the 61473
subdivision. 61474

(H) This section does not require the attachment of an 61475
additional certificate beyond that required by section 5705.41 61476
of the Revised Code for current payrolls of, or contracts of 61477
employment with, any employees or officers of the school 61478
district. 61479

This section does not require the attachment of a 61480
certificate to a temporary appropriation measure if all of the 61481
following apply: 61482

(1) The amount appropriated does not exceed twenty-five 61483
per cent of the total amount from all sources available for 61484
expenditure from any fund during the preceding fiscal year; 61485

(2) The measure will not be in effect on or after the 61486
thirtieth day following the earliest date on which the district 61487
may pass an annual appropriation measure; 61488

(3) An amended official certificate of estimated resources 61489
for the current year, if required, has not been certified to the 61490
board of education under division (B) of section 5705.36 of the 61491
Revised Code. 61492

Sec. 5709.07. (A) The following property shall be exempt 61493
from taxation: 61494

(1) Real property used by a school for primary or 61495
secondary educational purposes, including only so much of the 61496
land as is necessary for the proper occupancy, use, and 61497
enjoyment of such real property by the school for primary or 61498
secondary educational purposes. The exemption under division (A) 61499
(1) of this section does not apply to any portion of the real 61500
property not used for primary or secondary educational purposes. 61501

For purposes of division (A) (1) of this section: 61502

(a) "School" means a public or nonpublic school. "School" 61503
excludes home ~~instruction~~ education as authorized under section 61504
~~3321.04~~3321.042 of the Revised Code. 61505

(b) "Public school" includes schools of a school district, 61506
STEM schools established under Chapter 3326. of the Revised 61507
Code, community schools established under Chapter 3314. of the 61508
Revised Code, and educational service centers established under 61509
section 3311.05 of the Revised Code. 61510

(c) "Nonpublic school" means a nonpublic school for which 61511
the ~~state board~~ director of education and workforce has issued a 61512
charter pursuant to section 3301.16 of the Revised Code and 61513
prescribes minimum standards under division (D) (2) of section 61514
3301.07 of the Revised Code. 61515

(2) Houses used exclusively for public worship, the books 61516
and furniture in them, and the ground attached to them that is 61517
not leased or otherwise used with a view to profit and that is 61518
necessary for their proper occupancy, use, and enjoyment; 61519

(3) Real property owned and operated by a church that is 61520
used primarily for church retreats or church camping, and that 61521
is not used as a permanent residence. Real property exempted 61522
under division (A) (3) of this section may be made available by 61523
the church on a limited basis to charitable and educational 61524
institutions if the property is not leased or otherwise made 61525
available with a view to profit. 61526

(4) Public colleges and academies and all buildings 61527
connected with them, and all lands connected with public 61528
institutions of learning, not used with a view to profit, 61529
including those buildings and lands that satisfy all of the 61530

following: 61531

(a) The buildings are used for housing for full-time 61532
students or housing-related facilities for students, faculty, or 61533
employees of a state university, or for other purposes related 61534
to the state university's educational purpose, and the lands are 61535
underneath the buildings or are used for common space, walkways, 61536
and green spaces for the state university's students, faculty, 61537
or employees. As used in this division, "housing-related 61538
facilities" includes both parking facilities related to the 61539
buildings and common buildings made available to students, 61540
faculty, or employees of a state university. The leasing of 61541
space in housing-related facilities shall not be considered an 61542
activity with a view to profit for purposes of division (A) (4) 61543
of this section. 61544

(b) The buildings and lands are supervised or otherwise 61545
under the control, directly or indirectly, of an organization 61546
that is exempt from federal income taxation under section 501(c) 61547
(3) of the Internal Revenue Code of 1986, 100 Stat. 2085, 26 61548
U.S.C. 1, as amended, and the state university has entered into 61549
a qualifying joint use agreement with the organization that 61550
entitles the students, faculty, or employees of the state 61551
university to use the lands or buildings; 61552

(c) The state university has agreed, under the terms of 61553
the qualifying joint use agreement with the organization 61554
described in division (A) (4) (b) of this section, that the state 61555
university, to the extent applicable under the agreement, will 61556
make payments to the organization in amounts sufficient to 61557
maintain agreed-upon debt service coverage ratios on bonds 61558
related to the lands or buildings. 61559

(B) This section shall not extend to leasehold estates or 61560

real property held under the authority of a college or 61561
university of learning in this state; but leaseholds, or other 61562
estates or property, real or personal, the rents, issues, 61563
profits, and income of which is given to a municipal 61564
corporation, school district, or subdistrict in this state 61565
exclusively for the use, endowment, or support of schools for 61566
the free education of youth without charge shall be exempt from 61567
taxation as long as such property, or the rents, issues, 61568
profits, or income of the property is used and exclusively 61569
applied for the support of free education by such municipal 61570
corporation, district, or subdistrict. Division (B) of this 61571
section shall not apply with respect to buildings and lands that 61572
satisfy all of the requirements specified in divisions (A) (4) (a) 61573
to (c) of this section. 61574

(C) For purposes of this section, if the requirements 61575
specified in divisions (A) (4) (a) to (c) of this section are 61576
satisfied, the buildings and lands with respect to which 61577
exemption is claimed under division (A) (4) of this section shall 61578
be deemed to be used with reasonable certainty in furthering or 61579
carrying out the necessary objects and purposes of a state 61580
university. 61581

(D) As used in this section: 61582

(1) "Church" means a fellowship of believers, 61583
congregation, society, corporation, convention, or association 61584
that is formed primarily or exclusively for religious purposes 61585
and that is not formed for the private profit of any person. 61586

(2) "State university" has the same meaning as in section 61587
3345.011 of the Revised Code. 61588

(3) "Qualifying joint use agreement" means an agreement 61589

that satisfies all of the following: 61590

(a) The agreement was entered into before June 30, 2004; 61591

(b) The agreement is between a state university and an 61592
organization that is exempt from federal income taxation under 61593
section 501(c)(3) of the Internal Revenue Code of 1986, 100 61594
Stat. 2085, 26 U.S.C. 1, as amended; and 61595

(c) The state university that is a party to the agreement 61596
reported to the ~~Ohio board~~ chancellor of regents-higher 61597
education that the university maintained a headcount of at least 61598
twenty-five thousand students on its main campus during the 61599
academic school year that began in calendar year 2003 and ended 61600
in calendar year 2004. 61601

Sec. 5709.92. (A) As used in this section: 61602

(1) "School district" means a city, local, or exempted 61603
village school district. 61604

(2) "Joint vocational school district" means a joint 61605
vocational school district created under section 3311.16 of the 61606
Revised Code, and includes a cooperative education school 61607
district created under section 3311.52 or 3311.521 of the 61608
Revised Code and a county school financing district created 61609
under section 3311.50 of the Revised Code. 61610

(3) "Total resources" means the sum of the amounts 61611
described in divisions (A)(3)(a) to (g) of this section less any 61612
reduction required under division (C)(3)(a) of this section. 61613

(a) The state education aid for fiscal year 2015; 61614

(b) The sum of the payments received in fiscal year 2015 61615
for current expense levy losses under division (C)(3) of section 61616
5727.85 and division (C)(12) of section 5751.21 of the Revised 61617

Code, as they existed at that time, excluding the portion of 61618
such payments attributable to levies for joint vocational school 61619
district purposes; 61620

(c) The sum of fixed-sum levy loss payments received by 61621
the school district in fiscal year 2015 under division (F) (1) of 61622
section 5727.85 and division (E) (1) of section 5751.21 of the 61623
Revised Code, as they existed at that time, for fixed-sum levies 61624
charged and payable for a purpose other than paying debt 61625
charges; 61626

(d) The district's taxes charged and payable against all 61627
property on the tax list of real and public utility property for 61628
current expense purposes for tax year 2014, including taxes 61629
charged and payable from emergency levies charged and payable 61630
under sections 5705.194 to 5705.197 of the Revised Code, 61631
excluding taxes levied for joint vocational school district 61632
purposes or levied under section 5705.23 of the Revised Code; 61633

(e) The amount certified for fiscal year 2015 under 61634
division (A) (2) of section 3317.08 of the Revised Code; 61635

(f) Distributions received during calendar year 2014 from 61636
taxes levied under section 718.09 of the Revised Code; 61637

(g) Distributions received during fiscal year 2015 from 61638
the gross casino revenue county student fund. 61639

(4) (a) "State education aid" for a school district means 61640
the sum of state amounts computed for the district under 61641
sections 3317.022 and 3317.0212 of the Revised Code after any 61642
amounts are added or subtracted under Section 263.240 of Am. 61643
Sub. H.B.59 of the 130th general assembly, entitled 61644
"TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL 61645
DISTRICTS." 61646

(b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B.59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS." 61647
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(5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code. 61653
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(6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section. 61657
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(7) "Threshold per cent" means the following: 61659

(a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016 and two per cent for fiscal year 2017. 61660
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(b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016 and two and one-half per cent for fiscal year 2017. 61663
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(c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016 and three per cent for fiscal year 2017. 61666
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(d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016 and three and one-half per cent for fiscal year 2017. 61669
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(e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016 and four per cent for fiscal year 2017. 61672
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- (f) For a joint vocational school district, two per cent for fiscal year 2016 and four per cent for fiscal year 2017. 61675
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- (8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C) (3) of section 5727.85 and division (C) (12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C) (3) (b) of this section. 61677
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- (9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division (C) (3) (c) of section 5727.85 and division (C) (12) (c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities. 61684
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- (10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes. 61694
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- (11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes. 61698
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- (12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for 61702
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levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes. 61704
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(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes. 61706
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(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015. 61710
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(15) "Total taxable value" has the same meaning as in section 3317.02 of the Revised Code. 61713
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(B) The department of education and workforce shall rank all school districts in the order of districts' capacity measures determined under former section 3317.018 of the Revised Code from lowest to highest, and divide such ranking into quintiles, with the first quintile containing the twenty per cent of school districts having the lowest capacity measure and the fifth quintile containing the twenty per cent of school districts having the highest capacity measure. This calculation and ranking shall be performed once, in fiscal year 2016. 61715
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(C) (1) In fiscal year 2016, payments shall be made to school districts and joint vocational school districts equal to the sum of the amounts described in divisions (C) (1) (a) or (b) and (C) (1) (c) of this section. In fiscal year 2017, payments shall be made to school districts and joint vocational school districts equal to the amount described in division (C) (1) (a) or (b) of this section. 61724
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(a) If the ratio of the current expense allocation to total resources is equal to or less than the district's 61731
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threshold percent, zero; 61733

(b) If the ratio of the current expense allocation to 61734
total resources is greater than the district's threshold per 61735
cent, the difference between the current expense allocation and 61736
the product of the threshold percentage and total resources; 61737

(c) For fiscal year 2016, the product of the non-current 61738
expense allocation multiplied by fifty per cent. 61739

(2) In fiscal year 2018 and subsequent fiscal years, 61740
payments shall be made to school districts and joint vocational 61741
school districts equal to the difference obtained by subtracting 61742
the amount described in division (C) (2) (b) of this section from 61743
the amount described in division (C) (2) (a) of this section, 61744
provided that such amount is greater than zero. 61745

(a) The sum of the payments received by the district under 61746
division (C) (1) (b) or (C) (2) of this section for the immediately 61747
preceding fiscal year; 61748

(b) One-sixteenth of one per cent of the average of the 61749
total taxable value of the district for tax years 2014, 2015, 61750
and 2016. 61751

(3) (a) "Total resources" used to compute payments under 61752
division (C) (1) of this section shall be reduced to the extent 61753
that payments distributed in fiscal year 2015 were attributable 61754
to levies no longer charged and payable for tax year 2014. 61755

(b) "Current expense allocation" used to compute payments 61756
under division (C) (1) of this section shall be reduced to the 61757
extent that the payments distributed in fiscal year 2015 were 61758
attributable to levies no longer charged and payable for tax 61759
year 2014. 61760

(4) The department of education and workforce shall report 61761
to each school district and joint vocational school district the 61762
apportionment of the payments under division (C) (1) of this 61763
section among the district's funds based on qualifying levies. 61764

(D) (1) Payments in the following amounts shall be made to 61765
school districts and joint vocational school districts in tax 61766
years 2016 through 2021: 61767

(a) In tax year 2016, the sum of the district's operating 61768
TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy 61769
losses. 61770

(b) In tax year 2017, the sum of the district's operating 61771
TPP fixed-sum levy losses and eighty per cent of operating S.B. 61772
3 fixed-sum levy losses. 61773

(c) In tax year 2018, the sum of eighty per cent of the 61774
district's operating TPP fixed-sum levy losses and sixty per 61775
cent of its operating S.B. 3 fixed-sum levy losses. 61776

(d) In tax year 2019, the sum of sixty per cent of the 61777
district's operating TPP fixed-sum levy losses and forty per 61778
cent of its operating S.B. 3 fixed-sum levy losses. 61779

(e) In tax year 2020, the sum of forty per cent of the 61780
district's operating TPP fixed-sum levy losses and twenty per 61781
cent of its operating S.B. 3 fixed-sum levy losses. 61782

(f) In tax year 2021, twenty per cent of the district's 61783
operating TPP fixed-sum levy losses. 61784

No payment shall be made under division (D) (1) of this 61785
section after tax year 2021. 61786

(2) Amounts are payable under division (D) of this section 61787
for fixed-sum levy losses only to the extent of such losses for 61788

qualifying levies that remain in effect for the current tax 61789
year. For this purpose, a qualifying levy levied under section 61790
5705.194 or 5705.213 of the Revised Code remains in effect for 61791
the current tax year only if a tax levied under either of those 61792
sections is charged and payable for the current tax year for an 61793
annual sum at least equal to the annual sum levied by the board 61794
of education for tax year 2004 under those sections less the 61795
amount of the payment under this division. 61796

(E) (1) For fixed-sum levies for debt purposes, payments 61797
shall be made to school districts and joint vocational school 61798
districts equal to one hundred per cent of the district's fixed- 61799
sum levy loss determined under division (E) of section 5751.20 61800
and division (H) of section 5727.84 of the Revised Code as in 61801
effect before July 1, 2015, and paid in tax year 2014. No 61802
payment shall be made for qualifying levies that are no longer 61803
charged and payable. 61804

(2) Beginning in 2016, by the thirty-first day of January 61805
of each year, the tax commissioner shall review the calculation 61806
of fixed-sum levy loss for debt purposes determined under 61807
division (E) of section 5751.20 and division (H) of section 61808
5727.84 of the Revised Code as in effect before July 1, 2015. If 61809
the commissioner determines that a fixed-sum levy that had been 61810
scheduled to be reimbursed in the current year is no longer 61811
charged and payable, a revised calculation for that year and all 61812
subsequent years shall be made. 61813

(F) (1) For taxes levied within the ten-mill limitation for 61814
debt purposes in tax year 1998 in the case of electric company 61815
tax value losses, and in tax year 1999 in the case of natural 61816
gas company tax value losses, payments shall be made to school 61817
districts and joint vocational school districts equal to one 61818

hundred per cent of the loss computed under division (D) of 61819
section 5727.85 of the Revised Code as in effect before July 1, 61820
2015, as if the tax were a fixed-rate levy, but those payments 61821
shall extend through fiscal year 2016. 61822

(2) For taxes levied within the ten-mill limitation for 61823
debt purposes in tax year 2005, payments shall be made to school 61824
districts and joint vocational school districts equal to one 61825
hundred per cent of the loss computed under division (D) of 61826
section 5751.21 of the Revised Code as in effect before July 1, 61827
2015, as if the tax were a fixed-rate levy, but those payments 61828
shall extend through fiscal year 2018. 61829

(G) If all the territory of a school district or joint 61830
vocational school district is merged with another district, or 61831
if a part of the territory of a school district or joint 61832
vocational school district is transferred to an existing or 61833
newly created district, the department of education and 61834
workforce, in consultation with the tax commissioner, shall 61835
adjust the payments made under this section as follows: 61836

(1) For a merger of two or more districts, fixed-sum levy 61837
losses, total resources, current expense allocation, and non- 61838
current expense allocation of the successor district shall be 61839
the sum of such items for each of the districts involved in the 61840
merger. 61841

(2) If property is transferred from one district to a 61842
previously existing district, the amount of the total resources, 61843
current expense allocation, and non-current expense allocation 61844
that shall be transferred to the recipient district shall be an 61845
amount equal to the total resources, current expense allocation, 61846
and non-current expense allocation of the transferor district 61847
times a fraction, the numerator of which is the number of pupils 61848

being transferred to the recipient district, measured, in the 61849
case of a school district, by formula ADM as defined in section 61850
3317.02 of the Revised Code or, in the case of a joint vocational 61851
school district, by formula ADM as defined for a joint 61852
vocational school district in that section, and the denominator 61853
of which is the formula ADM of the transferor district. 61854

(3) After December 31, 2010, if property is transferred 61855
from one or more districts to a district that is newly created 61856
out of the transferred property, the newly created district 61857
shall be deemed not to have any total resources, current expense 61858
allocation, total allocation, or non-current expense allocation. 61859

(4) If the recipient district under division (G) (2) of 61860
this section or the newly created district under division (G) (3) 61861
of this section is assuming debt from one or more of the 61862
districts from which the property was transferred and any of the 61863
districts losing the property had fixed-sum levy losses, the 61864
department of education and workforce, in consultation with the 61865
tax commissioner, shall make an equitable division of the 61866
reimbursements for those losses. 61867

(H) The payments required by divisions (C), (D), (E), (F), 61868
and (I) of this section shall be distributed periodically to 61869
each school and joint vocational school district by the 61870
department of education and workforce unless otherwise provided 61871
for. Except as provided in division (D) of this section, if a 61872
levy that is a qualifying levy is not charged and payable in any 61873
year after 2014, payments to the school district or joint 61874
vocational school district shall be reduced to the extent that 61875
the payments distributed in fiscal year 2015 were attributable 61876
to the levy loss of that levy. 61877

(I) For fiscal years 2022 through 2026, if the total 61878

amount to be received under divisions (C) and (E) of this 61879
section by any school district that has a nuclear power plant 61880
located within its territory is less than the amount the 61881
district received under this section in fiscal year 2017, the 61882
district shall receive a supplemental payment equal to the 61883
difference between the amount to be received under those 61884
divisions for the fiscal year and the amount received under this 61885
section in fiscal year 2017. 61886

Sec. 5715.26. (A) (1) Upon receiving the statement required 61887
by section 5715.25 of the Revised Code, the county auditor shall 61888
forthwith add to or deduct from each tract, lot, or parcel of 61889
real property or class of real property the required percentage 61890
or amount of the valuation thereof, adding or deducting any sum 61891
less than five dollars so that the value of any separate tract, 61892
lot, or parcel of real property shall be ten dollars or some 61893
multiple thereof. 61894

(2) After making the additions or deductions required by 61895
this section, the auditor shall transmit to the tax commissioner 61896
the appropriate adjusted abstract of the real property of each 61897
taxing district in the auditor's county in which an adjustment 61898
was required. 61899

(3) If the commissioner increases or decreases the 61900
aggregate value of the real property or any class thereof in any 61901
county or taxing district thereof and does not receive within 61902
ninety days thereafter an adjusted abstract conforming to its 61903
statement for such county or taxing district therein, the 61904
commissioner shall withhold from such county or taxing district 61905
therein fifty per cent of its share in the distribution of state 61906
revenues to local governments pursuant to sections 5747.50 to 61907
5747.55 of the Revised Code and shall direct the department of 61908

education and workforce to withhold therefrom fifty per cent of 61909
state revenues to school districts pursuant to Chapter 3317. of 61910
the Revised Code. The commissioner shall withhold the 61911
distribution of such funds until such county auditor has 61912
complied with this division, and the department shall withhold 61913
the distribution of such funds until the commissioner has 61914
notified the department that such county auditor has complied 61915
with this division. 61916

(B) (1) If the commissioner's determination is appealed 61917
under section 5715.251 of the Revised Code, the county auditor, 61918
treasurer, and all other officers shall forthwith proceed with 61919
the levy and collection of the current year's taxes in the 61920
manner prescribed by law. The taxes shall be determined and 61921
collected as if the commissioner had determined under section 61922
5715.24 of the Revised Code that the real property and the 61923
various classes thereof in the county as shown in the auditor's 61924
abstract were assessed for taxation and the true and 61925
agricultural use values were recorded on the agricultural land 61926
tax list as required by law. 61927

(2) If as a result of the appeal to the board it is 61928
finally determined either that all real property and the various 61929
classes thereof have not been assessed as required by law or 61930
that the values set forth in the agricultural land tax list do 61931
not correctly reflect the true and agricultural use values of 61932
the lands contained therein, the county auditor shall forthwith 61933
add to or deduct from each tract, lot, or parcel of real 61934
property or class of real property the required percentage or 61935
amount of the valuation in accordance with the order of the 61936
board or judgment of the court to which the board's order was 61937
appealed, and the taxes on each tract, lot, or parcel and the 61938
percentages required by section 319.301 of the Revised Code 61939

shall be recomputed using the valuation as finally determined. 61940
The order or judgment making the final determination shall 61941
prescribe the time and manner for collecting, crediting, or 61942
refunding the resultant increases or decreases in taxes. 61943

Sec. 5715.34. (A) When a reassessment of all real 61944
property, or any class of property, situated in the county, 61945
township, municipal corporation, or other taxing district is 61946
ordered by the tax commissioner, the county auditor, within 61947
sixty days of the receipt of such order, shall commence the 61948
reassessment in the manner provided by law and by rules 61949
prescribed and issued by the commissioner. 61950

(B) If a county auditor determines to reassess all real 61951
property situated in the county prior to the time ~~he~~ the auditor 61952
is ordered to do so in compliance with section 5713.01 of the 61953
Revised Code and division (A) of this section, certifies to the 61954
tax commissioner that ~~he~~ the auditor has sufficient moneys 61955
available to do so, and requests the commissioner to order the 61956
reassessment at a date earlier than would otherwise be required, 61957
the commissioner shall issue an order to the auditor to do so. 61958
The auditor shall commence the reassessment in the manner 61959
provided by law and by rules adopted by the commissioner, within 61960
sixty days after receiving the order. 61961

(C) If the county auditor refuses, neglects, or fails to 61962
commence a reassessment within sixty days after receiving such 61963
order, or refuses, neglects, or fails to complete the 61964
reassessment within the time limit prescribed and set forth in 61965
such order, the tax commissioner shall withhold from such county 61966
its share in the distribution of state revenue to local 61967
government pursuant to section 5747.50 of the Revised Code and 61968
shall direct the department of education and workforce to 61969

withhold therefrom its share in the distribution of state 61970
revenue to school districts pursuant to Title XXXIII of the 61971
Revised Code. The commissioner shall withhold the distribution 61972
of such funds until such county auditor has complied with all 61973
the provisions of this section, and the department shall 61974
withhold the distribution of such funds until the commissioner 61975
has notified the department that such auditor has complied with 61976
all of the provisions of this section. 61977

Sec. 5747.057. (A) As used in this section: 61978

(1) "Eligible employee" means an employee who is nineteen 61979
years of age or younger and enrolled in a career-technical 61980
education program approved under section 3317.161 of the Revised 61981
Code. 61982

(2) "Eligible compensation" means compensation paid on and 61983
~~after the effective date of this section~~ March 23, 2022, from 61984
which the employer is required to deduct and withhold income tax 61985
under section 5747.06 of the Revised Code. 61986

(B) A nonrefundable credit is allowed against a taxpayer's 61987
aggregate tax liability under section 5747.02 of the Revised 61988
Code for a taxpayer that holds a tax credit certificate issued 61989
under this section. The credit equals the amount listed on the 61990
certificate and shall be claimed for the taxable year that 61991
includes the last day of the calendar year for which the 61992
certificate was issued. The credit shall be claimed in the order 61993
required under section 5747.98 of the Revised Code. 61994

(C) An employer that is a taxpayer or a pass-through 61995
entity and that employs an eligible employee in fulfillment of a 61996
work-based learning experience, internship, or cooperative 61997
education program associated with the career-technical education 61998

program in which the eligible employee is enrolled may apply to 61999
the department of education and workforce for a tax credit 62000
certificate. The application shall be made on forms prescribed 62001
by the department, in consultation with the tax commissioner, on 62002
or after the first day of January and on or before the first day 62003
of February of each year. The application shall include all of 62004
the following information for the calendar year preceding the 62005
year in which the application is made: 62006

(1) The amount of eligible compensation paid by the 62007
applicant to each of its eligible employees; 62008

(2) The name, birth date, and social security number of 62009
each eligible employee employed by the applicant; 62010

(3) The career-technical education program in which each 62011
eligible employee is enrolled; 62012

(4) A description of each eligible employee's duties as 62013
part of the employee's work-based learning experience, 62014
internship, or cooperative education program; 62015

(5) Any other information requested by the department. 62016

(D) (1) After determining that the applicant satisfies the 62017
conditions described in division (C) of this section, the 62018
department of education and workforce shall issue, within sixty 62019
days after the receipt of a complete application under that 62020
division, a tax credit certificate to the applicant equal to the 62021
lesser of (a) fifteen per cent of the eligible compensation paid 62022
by the applicant to all eligible employees during the calendar 62023
year or (b) five thousand dollars per eligible employee, in 62024
either case subject to the limitations in division (D) (2) of 62025
this section. 62026

(2) If the applicant pays eligible compensation to an 62027

employee who ceases to qualify as an eligible employee during 62028
the calendar year, only the eligible compensation paid to the 62029
employee while the employee qualified as an eligible employee 62030
may be used to calculate the credit amount on a tax credit 62031
certificate issued under this section. The department shall not 62032
issue certificates in a total amount that would cause the tax 62033
credits claimed in any fiscal biennium to exceed five million 62034
dollars. 62035

(3) Each tax credit certificate issued under this section 62036
shall include a unique identification number and shall state the 62037
amount of tax credit that may be claimed. A taxpayer claiming 62038
the credit allowed under this section shall submit a copy of the 62039
certificate with the taxpayer's return or report. 62040

(E) If a tax credit certificate is issued to a pass- 62041
through entity under this section, any taxpayer that is a direct 62042
or indirect investor in the pass-through entity on the last day 62043
of the entity's taxable year ending in the calendar year for 62044
which the certificate was issued may claim the taxpayer's 62045
distributive or proportionate share of the credit against the 62046
taxpayer's aggregate tax liability under section 5747.02 of the 62047
Revised Code. 62048

(F) For the purpose of issuing tax credit certificates 62049
under this section, the department of education and workforce 62050
may request from any of the following entities the data 62051
verification code assigned under division (D) (2) of section 62052
3301.0714 of the Revised Code to any student who is included on 62053
an application made pursuant to division (C) of this section as 62054
an eligible employee: 62055

(1) The student's resident district; 62056

(2) The district or school offering the career-technical education program in which the student is enrolled; 62057
62058

(3) The independent contractor engaged to create and maintain student data verification codes. 62059
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The department may not release a data verification code received under this division to any person except as authorized by law. Any document related to the tax credit authorized under this section that the department maintains in its files that contains both a student's name or other personally identifiable information and the student's data verification code is not a public record as defined in section 149.43 of the Revised Code. 62061
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Sec. 5747.72. (A) As used in this section: 62068

(1) "Qualifying taxpayer" means a taxpayer that is an individual with a dependent who is a qualifying student. 62069
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(2) "Qualifying student" means a student who ~~was excused~~ is exempt from the compulsory attendance law for the purpose of home ~~instruction-education~~ education under section ~~3321.04~~3321.042 of the Revised Code for the school year. 62071
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(3) "Education expenses" means expenses or fees for any of the following items used directly for home ~~instruction-education~~ of a qualifying student: books, supplementary materials, supplies, computer software, applications, or subscriptions. 62075
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"Education expenses" does not include expenses or fees for computers or similar electronic devices or accessories thereto. 62079
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(B) There is hereby allowed a nonrefundable credit against a qualifying taxpayer's aggregate tax liability under section 5747.02 of the Revised Code equal to the lesser of two hundred fifty dollars or the amount of education expenses incurred by the taxpayer in the taxable year for the benefit of one or more 62081
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of the taxpayer's qualifying students. The credit shall be 62086
claimed in the order required under section 5747.98 of the 62087
Revised Code. 62088

The tax commissioner may request that a qualifying 62089
taxpayer claiming a credit under this section furnish 62090
information as is necessary to support the claim for the credit 62091
under this section, and no credit shall be allowed unless the 62092
requested information is provided. 62093

Sec. 5753.11. (A) As used in this section: 62094

(1) "Public school district" means any city, local, 62095
exempted village, or joint vocational school district, community 62096
school established under Chapter 3314. of the Revised Code, STEM 62097
school established under Chapter 3326. of the Revised Code, or 62098
college-preparatory boarding school established under Chapter 62099
3328. of the Revised Code. "Public school district" does not 62100
include any STEM school operated under section 3326.51 of the 62101
Revised Code. 62102

(2) "Student population" means the number of students 62103
residing in a county who are enrolled in a public school 62104
district in grades kindergarten through twelve and the total 62105
number of preschool children with disabilities on the following 62106
dates: 62107

(a) For the January distribution, the Friday of the first 62108
full school week in October; 62109

(b) For the August distribution, the Friday of the first 62110
full school week in May. 62111

(B) For the purpose of calculating student population, 62112
each public school district shall, twice annually, report to the 62113
department of education and workforce the students enrolled in 62114

the district on the days specified in division (A) (2) of this section. A student shall be considered to be enrolled in a public school district if the student is participating in education programs of the public school district and the public school district has not:

(1) Received documentation from a parent terminating enrollment of the student;

(2) Been provided documentation of a student's enrollment in another public or private school; or

(3) Ceased to offer education to the student.

If more than one public school district reports a student as enrolled, the department shall use procedures adopted by the department for the reconciliation of enrollment to determine the district of enrollment for purposes of this section. In the case of the dual enrollment of a student in a joint vocational school district and another public school district, the student shall be included in the enrollments for both schools. If the valid school district or enrollment cannot be determined in time for the certification, the count of these students shall be divided equally between the reporting districts.

(C) The department of education and workforce shall certify to the department of taxation the student population for each county and the student population for each public school district located in whole or in part in the county on or before the thirtieth day of December, for the January distribution and on or before the thirtieth day of July, for the August distribution. A student shall be included in the school district enrollment for a county only if a student resides in that county. The location of each community school shall be the

enrollment area required to be defined by the community school 62144
and its sponsor in accordance with division (A) (19) of section 62145
3314.03 of the Revised Code, the location of each STEM school 62146
shall be any county in which its enrolled students reside, and 62147
the location of the college-preparatory boarding schools shall 62148
be the territory of the school district in which the college- 62149
preparatory school is located or the territory of any city, 62150
exempted village, or local school district that has agreed to be 62151
a participating district under section 3328.04 of the Revised 62152
Code. 62153

The student population count certified by the department 62154
of education and workforce to the department of taxation is 62155
final and shall not be adjusted by future updates to the counts. 62156

(D) Not later than the thirty-first day of January and the 62157
thirty-first day of August of each year, the tax commissioner 62158
shall distribute funds in the gross casino revenue county 62159
student fund to public school districts. The commissioner shall 62160
calculate the amount of funds to distribute to each public 62161
school district as follows: 62162

(1) The commissioner shall calculate the proportional 62163
share of the funds attributable to each county by dividing the 62164
total student population certified for each county by the sum of 62165
the total student population certified in all counties 62166
statewide. 62167

(2) The commissioner shall multiply the amount in division 62168
(D) (1) of this section by the total amount of funds in the gross 62169
casino revenue county student fund to obtain the share of funds 62170
for each county. 62171

(3) The commissioner shall multiply the amount in division 62172

(D) (2) of this section by the quotient of the student population 62173
certified for each individual district located in the county 62174
divided by the sum of the student population certified for all 62175
public school districts located in the county. 62176

The commissioner shall distribute to each public school 62177
district the amount so calculated for each district. 62178

Sec. 6109.21. (A) Except as provided in divisions (I) and 62179
(J) of this section, no person shall operate a public water 62180
system in this state without a license issued by the director of 62181
environmental protection. 62182

(B) A person who proposes to operate a new public water 62183
system, in addition to complying with section 6109.07 of the 62184
Revised Code and rules adopted under it, shall obtain an initial 62185
license from the director. The person shall submit an 62186
application for the initial license at least forty-five days 62187
prior to commencing the operation of the system. 62188

(C) A license shall expire on the thirtieth day of January 62189
in the year following its issuance. 62190

(D) A license shall be renewed annually. A person 62191
proposing to continue operating a public water system shall 62192
apply for a license renewal at least thirty days prior to the 62193
expiration date of the license. 62194

(E) Each application for a license or license renewal 62195
shall be accompanied by the appropriate fee established under 62196
division (M) of section 3745.11 of the Revised Code. However, an 62197
applicant for an initial license who is proposing to operate a 62198
new public water system shall submit a fee that equals a 62199
prorated amount of the appropriate fee established under that 62200
division for the remainder of the licensing year. 62201

(F) Not later than thirty days after receiving a completed application and the appropriate license fee for a license or license renewal for a public water system, the director shall do one of the following:

(1) Issue the license or license renewal for the public water system;

(2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;

(3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.

(G) The director may condition, suspend, or revoke a license or license renewal issued under this section at any time if the director finds that the public water system was not or will not be operated in substantial compliance with this chapter and rules adopted under it.

(H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements governing both of the following:

(1) Information to be included on applications for licenses and license renewals issued under this section;

(2) The issuance, conditioning, suspension, revocation, and denial of licenses and license renewals under this section.

(I) (1) As used in division (I) of this section, "church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily

or exclusively for religious purposes and that is not formed or operated for the private profit of any person. 62230
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(2) This section does not apply to a church that operates or maintains a public water system solely to provide water for that church or for a campground that is owned by the church and operated primarily or exclusively for members of the church and their families. 62232
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(J) This section does not apply to any public or nonpublic school that meets minimum standards of the ~~state board~~ director of education and workforce that operates or maintains a public water system solely to provide water for that school. 62237
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(K) The environmental protection agency shall collect well log filing fees on behalf of the division of water resources in the department of natural resources in accordance with section 1521.05 of the Revised Code and rules adopted under it. The fees shall be submitted to the division quarterly as provided in those rules. 62241
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Sec. 6301.04. (A) The governor shall establish a state board. The state board shall consist of the following members: 62247
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(1) The governor; 62249

(2) Two members of the house of representatives, appointed by the speaker of the house of representatives; 62250
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(3) Two members of the senate, appointed by the president of the senate; 62252
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(4) Members required under section 101(b)(1)(C) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1)(C); 62254
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(5) The deputy director of primary and secondary education 62257

<u>and the deputy director of career-technical education appointed</u>	62258
<u>under section 3301.13 of the Revised Code;</u>	62259
<u>(6)</u> Any additional members appointed by the governor.	62260
(B) The governor shall appoint members to the board, who	62261
serve at the governor's pleasure, to perform duties under the	62262
Workforce Innovation and Opportunity Act, as authorized by the	62263
governor.	62264
(C) The board is not subject to sections 101.82 to 101.87	62265
of the Revised Code.	62266
(D) All state agencies engaged in workforce development	62267
activities shall assist the board in the performance of its	62268
duties.	62269
(E) The board shall have the power and authority to do all	62270
of the following:	62271
(1) Develop, implement, and modify the state workforce	62272
development plan;	62273
(2) Review statewide workforce policies and programs and	62274
recommendations on actions to be taken by the state to align	62275
workforce development programs to support a comprehensive and	62276
streamlined workforce development system;	62277
(3) Recommend measures for the development and continuous	62278
improvement of the workforce development system in the state,	62279
including updating comprehensive state performance	62280
accountability measures, also known as workforce success	62281
measures;	62282
(4) Continue to identify and disseminate information on	62283
promising practices in the area of workforce development;	62284

(5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor.

Sec. 6301.11. (A) As used in this section, "public or private institution" means any of the following:

(1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;

(2) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;

(3) An Ohio technical center that provides adult technical education services as recognized by the chancellor of higher education.

(B) The state board, in connection with the department of job and family services, the department of education and workforce, and public or private institutions, shall develop a methodology for identifying jobs that are in demand by employers operating in this state. The methodology for identifying in-demand jobs shall include an analysis of both of the following:

(1) Jobs that are in demand in each region of the state, as determined by the director of job and family services;

(2) Jobs that pay a wage rate that is equal to or greater than one hundred twenty-five per cent of the wage rate established under section 6 of the "Fair Labor Standards Act of 1938," 52 Stat. 1060, 29 U.S.C. 206, as amended, or its successor law.

(C) The department of job and family services, the department of education and workforce, and the public or private

institutions, in consultation with the state board, shall use 62313
the methodology to create a list of such in-demand jobs in the 62314
state and a list of such in-demand jobs in each region of the 62315
state. The department of job and family services and the 62316
department of education and workforce shall publish the lists on 62317
the web ~~site~~ sites of ~~the~~ each department. The ~~department~~ 62318
departments and public or private institutions shall 62319
periodically update the lists to reflect evolving workforce 62320
demands in this state and its regions. 62321

(D) Local boards and other providers of workforce training 62322
shall use the lists of in-demand jobs to cultivate and 62323
prioritize workforce development activities that correspond to 62324
the employment needs of employers operating in this state and in 62325
each of its regions and to assist individuals in maximizing 62326
their employment opportunities. 62327

Sec. 6301.111. The governor's office of workforce 62328
transformation, in conjunction with the department of job and 62329
family services and the department of education and workforce, 62330
shall conduct an electronic survey of employers in this state to 62331
identify jobs that are in demand by those employers. The office, 62332
in conjunction with the ~~department~~ departments, shall use the 62333
survey results to update the list of in-demand jobs required 62334
under section 6301.11 of the Revised Code, notwithstanding the 62335
requirement in that section that the ~~department~~ departments and 62336
public or private institutions, as defined in that section, 62337
periodically update that list. The office shall complete the 62338
initial survey and make the update required under this section 62339
not later than December 31, 2018. The office shall complete a 62340
subsequent survey and update not later than the last day of 62341
December every two years thereafter. 62342

Sec. 6301.112. (A) The governor's office of workforce transformation, in collaboration with the departments of higher education ~~and, job and family services, and education and workforce,~~ shall create and publish on the OhioMeansJobs web site a workforce supply tool that uses real-time demand and supply data. The office shall provide all of the following through the tool:

(1) Businesses with historical information on graduates from high demand fields;

(2) Businesses with projections on future graduates;

(3) The number of skilled workers available for work in occupations included in the list of in-demand jobs created under section 6301.11 of the Revised Code.

(B) ~~Not later than January 1, 2018, the~~ The governor's office of workforce transformation, in collaboration with the departments of higher education ~~and, job and family services, and education and workforce,~~ shall include in the workforce supply tool created under division (A) of this section all in-demand jobs included in the list of in-demand jobs created under section 6301.11 of the Revised Code.

(C) ~~Not later than December 31, 2018, the~~ The governor's office of workforce transformation, in collaboration with the ~~departments~~ department of higher education and the department of education ~~and workforce,~~ shall establish design teams. The design teams shall do both of the following:

(1) Identify emerging skill needs based on predictive analytics and analysis of the data from the workforce supply tool created under division (A) of this section;

(2) Periodically recommend innovations for responding to

emerging in-demand jobs and skills. 62372

Sec. 6301.15. ~~Not later than September 1, 2014, the~~ The 62373
director of job and family services, in consultation with ~~the~~ 62374
~~superintendent of public instruction and the~~ director of the 62375
governor's office of workforce transformation and the director 62376
of education and workforce, shall develop and maintain an online 62377
education and career planning tool to assist students in 62378
developing education and career plans. ~~The director of job and~~ 62379
~~family services also shall provide information regarding the~~ 62380
~~online planning tool and all appropriate web site links,~~ 62381
~~including a link to the OhioMeansJobs web site, to the~~ 62382
~~department of education not later than that date.~~ The director 62383
of job and family services shall periodically update the online 62384
education and career planning tool and other information as 62385
determined necessary by the director and shall provide the 62386
updates to the department of education and workforce. 62387

The department of education and workforce shall post the 62388
information ~~received from the director of job and family~~ 62389
~~services developed~~ under this section in a prominent location on 62390
the department's web site. 62391

Sec. 6301.21. (A) ~~Not later than December 31, 2017, the~~ 62392
~~The~~ governor's office of workforce transformation, the 62393
department of education and workforce, and the chancellor of 62394
higher education, in consultation with business and economic 62395
development stakeholder groups, shall develop a regional 62396
workforce collaboration model. The model shall provide guidance 62397
on how the JobsOhio regional network, local chambers of 62398
commerce, economic development organizations, business, business 62399
associations, secondary and post-secondary education 62400
organizations, and Ohio college tech prep regional centers, that 62401

are jointly managed by the department of education and workforce 62402
and the chancellor, shall collaborate to form a partnership that 62403
provides career services to students. 62404

Career services to students may include, but are not 62405
limited to, job shadowing, internships, co-ops, apprenticeships, 62406
career exploration activities, and problem-based curriculum 62407
developed in alignment with in-demand jobs. 62408

(B) The governor's office of workforce transformation 62409
shall oversee the creation of regional workforce collaboration 62410
partnerships based on the model created under division (A) of 62411
this section. The partnerships shall be located in each of the 62412
six different regions of the state, as determined by JobsOhio. 62413

(C) As used in this section, "JobsOhio" has the same 62414
meaning as in section 187.01 of the Revised Code. 62415

Sec. 6301.22. (A) With regard to industry-recognized 62416
credentials and certificate programs, the governor's office of 62417
workforce transformation shall act as a liaison between the 62418
business community and the department of education and workforce 62419
or the chancellor of higher education. In acting as a liaison, 62420
the governor's office of workforce transformation shall accept 62421
inquiries from the business community regarding all of the 62422
following: 62423

(1) Industry-recognized credentials approved under section 62424
3313.6113 of the Revised Code; 62425

(2) Certificate programs and industry-recognized 62426
credentials included in the inventory prescribed under section 62427
3333.94 of the Revised Code; 62428

(3) Any other existing or proposed credential or 62429
certificate program necessary to meet the workforce needs of the 62430

state, as determined by the office. 62431

(B) Based on inquiries submitted under division (A) of 62432
this section, the governor's office of workforce transformation 62433
shall do either of the following: 62434

(1) Request information from the department of education_
and workforce regarding industry-recognized credentials approved 62435
under section 3313.6113 of the Revised Code; 62436
62437

(2) Request information from the chancellor regarding 62438
certificate programs and industry-recognized credentials 62439
included in the inventory prescribed under section 3333.94 of 62440
the Revised Code or offered by an institution that holds a 62441
certificate of authorization issued under Chapter 1713. of the 62442
Revised Code. 62443

(C) Based on inquiries submitted under division (A) of 62444
this section, the governor's office of workforce transformation, 62445
in collaboration with the department of educationand workforce, 62446
the chancellor, and other stakeholders, including regional 62447
education providers, determined appropriate by the office, shall 62448
convene a review of an existing or proposed industry-recognized 62449
credential or certificate program. The office shall submit the 62450
findings of the department of educationand workforce or the 62451
chancellor, as appropriate, to the business that submitted the 62452
inquiry for which the review was initiated. 62453

(D) Nothing in this section shall affect the 62454
responsibilities assigned under division (B) of section 62455
3313.6113 of the Revised Code to the committee established under 62456
division (A) of that section or the responsibilities assigned to 62457
the chancellor under division (B) of section 3333.94 of the 62458
Revised Code. 62459

Sec. 6301.23. (A) As used in this section:	62460
(1) "Ohio career-technical associations" includes all of the following:	62461
(a) The Ohio association of career and technical education;	62462
(b) The Ohio association of career-technical superintendents;	62463
(c) The Ohio association of comprehensive and compact career-technical schools.	62464
(2) "Other public school" has the same meaning as in section 3301.0711 of the Revised Code.	62465
(3) "State agency" has the same meaning as in section 1.60 of the Revised Code.	62466
(B) Not later than July 1, 2021, the <u>The</u> governor's office of workforce transformation, the department of education, <u>and</u> <u>workforce</u> , and the chancellor of higher education, in consultation with Ohio career-technical associations and other appropriate stakeholders, shall develop model guidance for maintaining a statewide inventory of industry-recognized credentials. The guidance shall address the following:	62467
(1) Methods for state agencies to efficiently and effectively organize the different categories of industry-recognized credentials in a manner that allows students, school districts, other public schools, chartered nonpublic schools, and institutions of higher education to easily understand available credentialing options, based on the unique circumstances of each individual student;	62468
(2) The potential creation of a centralized, inter-agency	62469
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database of information on all industry-recognized credentials	62488
that is accessible to the public;	62489
(3) Methods to streamline the process to add career-	62490
technical programs to the various approved credentialing lists;	62491
(4) Methods to increase transparency in the approval	62492
process for industry-recognized credentials.	62493
Section 2. That existing sections 5.224, 5.281, 9.231,	62494
9.55, 102.02, 109.57, 109.572, 109.64, 109.65, 109.71, 109.72,	62495
109.746, 113.73, 117.46, 121.02, 121.03, 121.35, 121.37, 121.40,	62496
121.95, 124.15, 124.382, 124.384, 125.05, 125.13, 133.06,	62497
133.061, 135.142, 149.331, 175.30, 197.04, 319.301, 901.71,	62498
921.06, 2151.011, 2151.353, 2151.357, 2151.362, 2305.111,	62499
2901.01, 2903.13, 2907.03, 2917.31, 2917.46, 2923.122, 2925.01,	62500
2950.11, 2953.32, 3301.01, 3301.07, 3301.071, 3301.072,	62501
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6301.21, 6301.22, and 6301.23 of the Revised Code are hereby 62617
repealed. 62618

Section 3. That sections 3301.13, 3302.101, and 3302.102 62619
of the Revised Code are hereby repealed. 62620

Section 4. Section 3319.22 of the Revised Code as 62621
presented in this act takes effect on the later of April 12, 62622
2023, or the effective date of this section. (April 12, 2023, is 62623
the effective date of an earlier amendment to that section by 62624
H.B. 442 of the 133rd General Assembly.) 62625

Section 5. (A) On the effective date of this section, the 62626
Department of Education is hereby renamed as the Department of 62627
Education and Workforce, as prescribed by new section 3301.13 of 62628
the Revised Code as enacted by this act. 62629

(B) On and after the effective date of this section, all 62630
powers and duties vested in the State Board of Education and the 62631
Superintendent of Public Instruction terminate, except as 62632
described in section 3301.111 of the Revised Code. Any business 62633
commenced but not completed on the effective date of this 62634
section by the State Board of Education or the State 62635
Superintendent of Public Instruction shall be completed by the 62636
Department of Education and Workforce in the same manner, and 62637
with the same effect, as if completed by the State Board of 62638
Education or the State Superintendent of Public Instruction. 62639

(C) (1) On or after the effective date of this section, all 62640
employees of the Department of Education and Workforce necessary 62641
for the State Board of Education to perform its powers and 62642

duties, as described in section 3301.111 of the Revised Code, 62643
are hereby transferred to the State Board. Subject to the lay- 62644
off provisions of sections 124.321 to 124.328 of the Revised 62645
Code, employees who are transferred retain their same positions 62646
and all benefits accruing thereto. Once transferred to the State 62647
Board, changes to positions or benefits for employees not 62648
subject to Chapter 4117. of the Revised Code shall be controlled 62649
by Chapter 124. of the Revised Code, or other applicable revised 62650
and administrative code sections. 62651

(2) On the effective date of this section, the assets, 62652
equipment, records, documents, files, and other materials, 62653
irrespective of form or medium, of the Department of Education 62654
and Workforce necessary for the State Board of Education to 62655
perform its duties and powers, as described in section 3301.111 62656
of the Revised Code, are transferred to the State Board. 62657

(D) (1) No validation, cure, right, privilege, remedy, 62658
obligation, or liability is lost or impaired by reason of the 62659
transfer required by this section but shall be administered by 62660
the Director of Education and Workforce or Department of 62661
Education and Workforce. Any action or proceeding pending on the 62662
effective date of this section may be prosecuted or defended in 62663
the name of the Department of Education and Workforce. In all 62664
such actions or proceedings, the Department of Education and 62665
Workforce shall be substituted as a party upon application to 62666
the court or other tribunal. 62667

(2) Except with regard to matters related to the 62668
statutorily prescribed powers and duties of the State Board of 62669
Education as described in section 3301.111 of the Revised Code, 62670
whenever the Department of Education, the State Board of 62671
Education, or the Superintendent of Public Instruction is 62672

referred to in any law, contract, or other document, the 62673
reference shall be deemed to refer to the Department of 62674
Education and Workforce or the Director of Education and 62675
Workforce, whichever is appropriate in context. 62676

(E) All rules, orders, and determinations made or 62677
undertaken by the Superintendent of Public Instruction or the 62678
State Board of Education relating to the powers and duties 62679
transferred to the Department or Director of Education and 62680
Workforce continue in effect as rules, orders, and 62681
determinations of the Department of Education and Workforce 62682
until modified or rescinded by the Director of Education and 62683
Workforce. On or after the effective date of this section, if 62684
necessary to ensure the integrity of the numbering of the 62685
Administrative Code, and to the extent permitted by statute, the 62686
Director of the Legislative Service Commission shall renumber 62687
the rules of the Department of Education, Superintendent of 62688
Public Instruction, or the State Board of Education to reflect 62689
its respective transfer to the Department or Director of 62690
Education and Workforce pursuant to the provisions of law 62691
enacted herein. 62692

This division does not affect the rules of the State Board 62693
of Education regarding the statutorily prescribed powers and 62694
duties of the State Board as described in section 3301.111 of 62695
the Revised Code. 62696

(F) On or after the effective date of this section, 62697
pursuant to section 126.15 of the Revised Code, the Director of 62698
Budget and Management shall transfer the balance of all 62699
appropriations made related to the statutorily prescribed powers 62700
and duties of the State Board of Education, as described in 62701
section 3301.111 of the Revised Code, from the Department of 62702

Education and Workforce to the State Board for the same purpose 62703
as appropriated to the Department of Education and Workforce. 62704

(G) The Director of Education and Workforce, the 62705
Department of Education and Workforce, the State Board of 62706
Education, and the Superintendent of Public Instruction shall 62707
complete any action necessary to implement the provisions of 62708
this act regarding the transfer of powers described in this 62709
section not later than June 30, 2023. 62710

Section 6. The General Assembly, applying the principle 62711
stated in division (B) of section 1.52 of the Revised Code that 62712
amendments are to be harmonized if reasonably capable of 62713
simultaneous operation, finds that the following sections, 62714
presented in this act as composites of the sections as amended 62715
by the acts indicated, are the resulting versions of the 62716
sections in effect prior to the effective date of the sections 62717
as presented in this act: 62718

Section 109.71 of the Revised Code as amended by H.B. 49, 62719
H.B. 79, and S.B. 229, all of the 132nd General Assembly. 62720

Section 121.95 of the Revised Code as amended by both H.B. 62721
29 and S.B. 9 of the 134th General Assembly. 62722

Section 135.142 of the Revised Code as amended by both 62723
H.B. 197 and S.B. 276 of the 133rd General Assembly. 62724

Section 2151.353 of the Revised Code as amended by H.B. 8 62725
and H.B. 166, both of the 133rd General Assembly, H.B. 49 of the 62726
132nd General Assembly, and H.B. 50 and H.B. 158, both of the 62727
131st General Assembly. 62728

Section 2953.32 of the Revised Code as amended by H.B. 1, 62729
H.B. 431, and S.B. 10, all of the 133rd General Assembly. 62730

Section 3301.0712 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	62731 62732
Section 3301.0715 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	62733 62734
Section 3302.03 of the Revised Code as amended by both S.B. 166 and S.B. 229 of the 134th General Assembly.	62735 62736
Section 3302.04 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	62737 62738
Section 3311.741 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	62739 62740
Section 3313.25 of the Revised Code as amended by both H.B. 291 and H.B. 491 of the 132nd General Assembly.	62741 62742
Section 3313.6113 of the Revised Code as amended by H.B. 82, H.B. 110, and S.B. 166, all of the 134th General Assembly.	62743 62744
Section 3314.02 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	62745 62746
Section 3314.05 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.	62747 62748
Section 3319.02 of the Revised Code as amended by both H.B. 525 and S.B. 316 of the 129th General Assembly.	62749 62750
Section 4757.41 of the Revised Code as amended by both H.B. 158 and H.B. 230 of the 131st General Assembly.	62751 62752
Section 5703.21 of the Revised Code as amended by H.B. 29, H.B. 74, H.B. 110, and H.B. 172 of the 134th General Assembly and H.B. 166 of the 133rd General Assembly.	62753 62754 62755